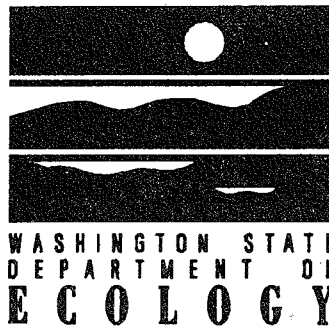


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# Responsiveness Summary

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## Methow Closed Basin Regulation



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**Responsiveness Summary  
Amendments to the Water Resources  
Program in the Methow River Basin  
Chapter 173-548 WAC**

and

**Amendments to the Minimum Standards  
for Construction and Maintenance of Wells  
Chapter 173-160 WAC**

*(Administrative Order 91-27)*

by Roger VonGohren

*Washington State Department of Ecology*  
Water Resources Program  
Olympia, Washington 98504-8711

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## SUMMARY

Public comment, both oral and written, expressed a range of views without consensus. For example, Ecology was urged to both adopt and reject the regulation for the same reason, insufficient information on the Methow basin. Many larger issues were raised by commenters; the Methow pilot planning group is expected to address many such issues which are beyond the scope of this regulation. After carefully weighing all the comments, and drafting a response for each, the conclusion was reached that the regulation is a reasonable step toward protecting the environment, while maintaining a balance with the many other needs and objectives of Washington citizens. No changes have been recommended for the draft regulation.

This responsiveness summary is the way the Department of Ecology says your comments were actually heard. But behind the procedure were the state employees who attended the hearing and workshops, who read your letters and listened to the hearing tape. The principal author of this responsiveness summary is Roger von Gohren, who may be reached for more information by writing to the Department of Ecology, PV 11, PO BOX 47600, Olympia, Washington 98504-7600.



## Introduction and Background Statement

The department adopted the Methow basin program in 1976 (effective 1977) to manage water resources under the authority of Chapter 90.54 RCW. RCW 90.54.020(3)(a) states that: Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values.... Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

RCW 90.54.040(1) directs the department to adopt rules to insure that waters of the state are utilized for the best interests of the people, to develop and implement...a comprehensive water resources program which will provide a process for making decisions on future water resource allocation and use.

The statutory authorities of Chapters 34.05, 18.104, 90.03, and 90.44 RCW also contribute to the basis for adoption of this regulation. Chapters 90.03 and 90.44 RCW regulate the management of state surface and ground waters, respectively; Chapter 18.104 RCW regulates water well construction.

In May, 1990, a memorandum from the Office of the Attorney General stated that the surface water regulation applies to ground water which is hydraulically connected to surface water. This is a more stringent application of this statute than was previously applied in the Methow River basin, based on improved understanding of the nature of hydrogeological connections between ground and surface water.

## Summary of Proposed Rule

The purpose of this rule is to restrict new ground water uses which are hydraulically connected to the surface water in subbasins of the Methow River basin which were closed to further surface water appropriation by the 1977 Water Resources Program in the Methow River Basin, Water Resource Inventory Area (WRIA) 48. New wells can be drilled when conditions in the regulations are met and written approval is obtained from the department prior to well construction. Since establishment of these procedures through an emergency rule in February, 1991, Ecology has received 20 requests for approval. Each of these requests was approved, most with conditions to protect surface water.

The rule amends the Methow Basin Water Resources Regulation (Chapter 173-548 WAC). The amendment extends restrictions to groundwaters interconnected to the surface waters which were closed in 1977. Several exemptions are removed. Under the rule, new wells may be constructed only in the following circumstances: the proponent has a valid water right permit or certificate, or the proponent has a valid water right through transfer, the groundwater being sought is not interconnected to closed surface waters, or an existing well is to be replaced or deepened.

The rule also amends the Minimum Standards for Construction and Maintenance of Wells regulation (Chapter 173-160 WAC). It prohibits construction of wells in closed subbasins in the Methow Basin, including wells exempt from permitting, without written approval by the department.

#### Summary of Public Involvement Actions

- 1990 November 21 - Pursuant to the Chelan Agreement on Water Resources, the Yakima Indian Nation called for a government-to-government meeting with Ecology, Okanogan County and the Colville Confederated Tribes to discuss limitations on growth and building permit activities in the Methow basin. This meeting lead to a subsequent government-to-government meeting at which the subject regulation was discussed.

The Chelan Agreement was developed in November, 1990, by representatives of state, tribal and local governments, agriculture, business, commercial and sport fishing, recreational groups, and environmentalists. Pursuant to the Chelan Agreement, the Water Resources Forum was created. The Forum is an advisory group, reflecting the same diverse interests that created the Chelan Agreement, tasked with clarifying existing water policies, recommending legislation, and providing policy guidance on critical water resources issues. The Forum has no official role in making water policy and agrees on recommendations by consensus.

The Forum recommended the Methow basin, and Ecology so designated it, as a Pilot Regional Water Resource Planning area. A regional water resources plan for the Pilot Planning area is to be prepared over a two year period, pursuant to procedures specified in the Chelan Agreement.

Prior to designation of the Methow basin as a Pilot Planning Area, another provision of the Chelan Agreement was utilized in the Methow basin. Titled "Organized Response to Critical Situations Which Require Action Now", the procedure has been dubbed the Government-to-Government-to-Government process. Under this procedure, representatives of state, local and tribal governments are to coordinate responses to critical water resource issues. The proposed regulation now under consideration was reviewed through this Government-to-Government process. Pursuant to the Chelan Agreement, Designation of the Methow basin as a Pilot Planning area replaces the government-to-government process with the Pilot Planning process.

- 1991 January 9 - The government-to-government group agreed in principle that an emergency rule should be put in place to restrict well drilling in areas hydraulically connected to closed streams and lakes in the Methow basin.

January 30 - The government-to-government group approved the text of the emergency rule to restrict well drilling in areas hydraulically connected to closed streams and lakes. Advice and guidance from the Washington State Ecological Commission was requested by letter dated January 30, 1991. Legislators interested in Methow valley water issues were sent the draft rule, background materials, a map and a draft press release.

February 5 - An emergency rule to provide immediate protection to existing water rights and instream resources in closed areas was adopted. The rule was effective for 120 days while long term solutions were being developed. The rule, background materials and a map were mailed to approximately 100 persons who had expressed an interest in Methow valley water issues.

February 19 - Public comment was received at the scheduled meeting of the Methow Regulation Review Advisory Committee. Twenty-seven people, from the general public and members of the committee, participated in the public comment section of the meeting expressing their views on the emergency regulation and long term solutions to the problems it addressed.

May 21 - Participants in the government-to-government group were notified that the emergency rule was to be readopted and an identical permanent rule was to be proposed. Comments were invited.

June 4 - The emergency rule adopted February 5 expired and was readopted, with minor changes for clarification, for another 120 days. A proposed permanent rule with the same language as the emergency rule was filed with the Code Reviser.

June 19 - Public notice of filing of the proposed permanent rule was published in the Washington State Register.

August 7 - Public notice of a change in the hearing date to September 25, 1991, was published in the Washington State Register.

September 11 - Paid display advertisements of public workshops and hearings were published in regional newspapers September 11, 12, 15, 18, 19, and 22. A classified legal notice appeared September 20.

September 13 - Notices of public workshops, hearing and procedure for written comment were mailed to over 550 persons who had previously expressed an interest in the issue, and provided to town halls and public libraries in the region for public review. Included in the notices were the scheduled workshop and hearing dates and locations, information regarding the public comment period, the draft regulation, a map of the affected subbasins, and a Focus sheet with summary background information. Approximately

100 persons received, in addition, a property owner's guide, and reports on the geology and water rights and claims on file for each closed subbasin.

September 24 - A public workshop on the proposed regulation was held at 7:00 p.m. at the Methow Valley Community Center Auditorium, Twisp, Washington. It was attended by 24 people.

September 25 - A public workshop and a public hearing on proposed regulation were held at 6:00 p.m. and 7:00 p.m., respectively, at the Barn, Winthrop, Washington. Seventeen persons were in attendance. Eight persons testified.

October 1 - The emergency rule adopted June 5 expired and was readopted, with minor typographical corrections, for another 120 days.

October 2 - Public notice extending the deadline for written comment to October 18, 1991, was published in the Washington State Register.

October 7 - Public scoping meeting held by the newly formed Regional Pilot Planning Group, designated under the Chelan Agreement to develop a comprehensive water resources plan for the Methow Basin by December 31, 1993.

October 10 - A news release announced readoption of the emergency regulation and how to obtain and comment on the permanent regulation. This release was sent to regional newspapers and radio stations.

October 21 - The Regional Pilot Planning Group held its initial planning meeting, focusing primarily on organizational issues and ground rules.

#### Scheduled Adoption Date of Rule and Effective Date of Rule

The Methow Closed Basin Rule was initially scheduled for adoption on November 1, 1991. The adoption date was later rescheduled for November 19, 1991. If adopted the effective date of the rule will be December 20, 1991.

LIST OF INDIVIDUALS TESTIFYING

<u>COMMENTER AND DOCUMENT NUMBER</u>	<u>COMMENT NUMBER</u>
1     Lucy Reid # P.O.Box 250 Carlton, WA. 98814 Okanogan Wilderness League	A, C
2     Ralph Arnold # Rt. 1 Box 169-2 Winthrop, WA. 98862 Business Caucus	E, F, G
3     David Stone # P.O. Box 246 Carlton, WA. 98144	H
4     Beulah LaMotte # HCR 73, Box 248 Carlton, WA 98814	A, C
5     Vernon LaMotte # HCR 73, Box 248 Carlton, WA. 98814	A, C, I, J, K
6     Kirk Truscott # P.O. Box 150 Nespelem, WA. 99155 Colville Confederated Tribes	C, L, M, O
7     Dale Bambrick # P.O. Box 151 Toppenish, WA. 98948 Yakima Indian Nation	M
8     Lee Bernheisel # Star Route Box 244 Carlton, WA. 98814 Okanogan Wilderness League	A, B, C, N
9     Lee Bernheisel and Lucy Reid * Star Route Box 244 Carlton, WA. 98814 Okanogan Wilderness League	A, C
10    George Sukovaty and Valerie Sukovaty * P.O. Box 306 Winthrop, WA. 98862	D, E

- |    |  |               |
|----|--|---------------|
| 11 | Lincoln Loehr *                          | D             |
|    | 12215 - 9th N.W.                         |               |
|    | Seattle, WA. 98177-4301                  |               |
| 12 | Ellen Bannick *                          | E, P, Q, R    |
|    | Bear Creek Lumber, Inc.                  |               |
|    | P.O. Box 669                             |               |
|    | Winthrop, WA. 98862                      |               |
| 13 | Vernon LaMotte *                         | S             |
|    | HCR 73, Box 248                          |               |
|    | Carlton, WA 98814                        |               |
| 14 | Cecelia Campbell *                       | A, U, T       |
|    | Rt 1, Box 970                            |               |
|    | Twisp, WA. 98856                         |               |
| 15 | Ellis Preston *                          | A, F, P, V, W |
|    | Box 193                                  |               |
|    | Carlton, WA. 98814                       |               |
| 16 | Donald D. Haring *                       | A, C, I, X    |
|    | Resource Manager                         |               |
|    | Habitat Management Division              |               |
|    | Washington State Department of Fisheries |               |
|    | Mail Stop AX-11                          |               |
|    | Olympia, WA 98504                        |               |
| 17 | Pat Fitzgerald                           | F             |
|    | P. O. Box 221                            |               |
|    | Twisp, WA. 98856                         |               |

# Oral testimony  
\* Written testimony

Comments

COMMENTS AND RESPONSES

DOCUMENT  
NUMBER

- A. Close or restrict the remainder of the Methow River.

4, 5, 8, 9, 14,  
15, 16

COMMENT: Several commenters urged closure, restrictions, or conditions on the other reaches of the Methow basin. One commenter noted that restriction of the Early Winters and Methow Headwaters reaches could be justified by consideration of the pending water rights applications, compared to the 2 cubic feet per second reservation for domestic and stockwatering uses. One commenter urged a water right moratorium for the valley floor until the Pilot Plan is completed. One commenter urged that we prevent pollution by controlling development in the upper Methow and Chewuch areas.

One commenter, in the context of opposing the proposed regulation, suggested that if Ecology must have a moratorium on well drilling, put it in the upper valley, which is where practically all the water comes from in the fall.

Drilling restrictions, points out another commenter, are necessary while the Pilot Planning process is in progress. Continued drilling while the Pilot Plan is being formulated reduces plan options by removing water from the basin, with potential impacts on fish and existing water rights. No further development should be allowed until available water is identified by site and by its downstream impact potential.

RESPONSE: From its outset, the proposed regulation was intended to be narrow in scope and applicability. Restrictions in well drilling in other areas can be considered by the Pilot Planning Group. Ecology held a public meeting on August 27, 1991, on a proposal to adopt interim well drilling restrictions and discussed options for interim water restrictions with Okanogan County, the Yakima Indian Nation, the Colville Confederated Tribes and state departments of Fisheries, Health and Community Development. These restrictions would have been effective throughout the Methow basin for the duration of the Pilot Planning process, expected to end in December, 1993. No agreement was reached. The Pilot Planning Group has been asked to consider interim controls on water development pending plan adoption.

- B. Emphasize enforcement. Do not defer decisions to the Pilot Project process.

8

COMMENT: Ecology has been lax with enforcement actions such as interruptions during low flows, relinquishments and other day-to-day activities, this commenter observes. Enforcement is being put off in deference to the Pilot Planning process. Ecology should educate the public about the certainty and degree of penalties for violations of water rights regulations.

RESPONSE: Ecology intends to both expand enforcement and to strongly support the Pilot Planning process.

The legislature has provided additional resources for enforcement. A statewide water resources enforcement strategy is under development. Ecology is expanding its staff at the Central Regional Office by up to three new enforcement persons, approximately double previous staffing levels. The Methow Valley is expected to be an area of increased enforcement effort.

The ultimate penalty for illegal use of water is loss of water supply. RCW 90.03.600 provides for civil penalties of up to \$100 per day for violations of Chapter 43.83B (Water Supply Facilities), Chapter 90.03 (1917 Water Code), Chapter 90.22 (Minimum Water Flows and Levels), and Chapter 90.44 RCW (Regulation of Public Ground Waters). RCW 18.104.155 (Water Well Construction) also specifies a maximum civil penalty of \$100 per day for each violation. RCW 90.44.120 establishes that waste or unauthorized use of ground water shall be a misdemeanor. RCW 18.104.160 (Water Well Construction) makes violations of the water well construction statutes a misdemeanor. Comparable provisions for surface water appear in RCW 90.030.400.

- C. Supports the proposed regulation.

4, 5, 6, 8, 9,  
16

COMMENT: Commenters endorsed the draft regulation; several suggested even more restrictive provisions. Closure of the remainder of the Methow basin (addressed in comment A), prohibition of transfers between properties in or between closed basins (addressed in comment L) and further elucidation on certainty and the degree of penalties (addressed in comment B) were suggested. One commenter supports the



proposed regulation until a comprehensive water development program is in place.

RESPONSE: Comments in support of the draft regulation are acknowledged.

- D. Exempt small water users or give credit for returns to the aquifer. 10, 11

COMMENT: One commenter urged that single domestic interior use be exempted from the restrictions. Such developments would be limited due to the 20 acre minimum lot zoning and the high percentage of public land ownership in the closed basins. The water quantities lost would be small because a high percentage of interior domestic water used returns to the ground via septic tank disposal systems.

Another commenter points out that the regulation addresses "consumptive" use of water. "Consumptive Use" is defined in WAC 173-500-050(5) as the use of water whereby there is a diminishment of the water source. His point is that water returned to its source without diminishment, such as a percentage of domestic and irrigation water, is not consumed.

He suggests Ecology quantify the percentages of water returned to the aquifer and use such calculations as the basis for regulation. Alternatively, he suggests allowance of credit against consumption for returned water. He also suggests, as interim controls, curtailing large additional appropriations and requiring metering for residential withdrawals, which will provide data helpful for estimating returned water.

RESPONSE: In water short basins, such as those being regulated by this proposed rule, new water use reduces water legally available for existing, senior users and flowing in closed basins or lakes. State law mandates that Ecology protect these water rights and basins. An exemption, at the expense of senior rights or instream flows, is not consistent with the statute.

The legal definition of "Consumptive Use" includes, as consumptive, any use whereby there is a diminishment of the water source (WAC 173-500-050). Ecology interprets this to include diminishment such as losses from domestic use which does not return to the aquifer. The diminishment makes the entire amount withdrawn from the aquifer or water body a consumptive use.

A "non-consumptive" user is one which withdraws water for a beneficial use, and returns the same amount of water in an undiminished quality to the original point of diversion (WAC 173-500-050). Single domestic use is a consumptive use and does not meet these criteria. Indoor use cannot generally be regarded as non-consumptive. Indoor use involves evaporative losses. Many on-site septic systems are designed to evaporate or transpire much of the liquid effluent discharged to the drain field.

Metering requirements may be considered by the regional planning group.

- E. The regulation should not be adopted due to lack of data. 2, 10, 12

COMMENT: Ecology lacks sufficient data to support adopting the regulation.

RESPONSE: The department has reviewed its files and data on water rights, studies of the hydrology and geology of the basin, and has field inspected each of the closed basins. The department believes there is sufficient information available to support adopting the proposed regulation.

The following documentation was utilized by Ecology to evaluate water availability and the need to further restrict development that uses ground waters hydraulically connected to surface waters within the Methow basin: 1) Well reports maintained by Ecology, 2) Water rights and water right claims of record, 3) Regulatory history of the subbasins and the ability of senior water rights to be provided adequate water, 4) Pertinent technical reports, 5) The characteristics of the aquifers within the subbasins, 6) Ecology staff expertise and accumulated knowledge of the area, and 7) Information contained in the program document, written at the time of the development of the 1977 regulation.

Ecology has a legal obligation to protect the water supplies of those holding senior water rights and of closed water bodies. The available data sources are sufficient to trigger the legal obligation. See D above for more discussion of the legal requirement to protect existing water rights.

- F. Opposes the proposed rule. 2, 15, 17

COMMENT: The proposed closure is opposed.

RESPONSE: Comments are acknowledged.

- G. The proposed regulation undermines the Pilot Planning Process. 2

COMMENT: Because the Pilot Planning process has just started and will not have produced any information before the regulation is scheduled for adoption, adoption now would give the impression there is no need to continue with the Pilot Planning process.

RESPONSE: The Pilot Planning process is expected to address a broad range of water resources issues affecting the entire Methow basin. The scope of the proposed regulation is narrow compared to the expected scope of the Pilot Planning process.

This proposed regulation can be reconsidered by the Pilot Planning process. Change or repeal of the regulation could be recommended as part of the Pilot Plan. The Chelan Agreement commits Ecology to give substantial weight to the recommendations of the pilot plan.

The Pilot Planning process by which parties to water resources issues can produce negotiated solutions, and avoid extended and costly judicial processes, has Ecology's firm support.

Consistent with the Chelan agreement, Okanogan County, the Yakima Indian Nation, the Colville Confederated Tribes and the Departments of Health, Fisheries and Community Development agreed to the adoption of an almost identical emergency regulation prior to the designation of the Methow as one of the two Pilot Plan areas under the Chelan Agreement.

- H. In Cow, French and Texas Creeks, demonstrate model grazing management techniques to evaluate water supply benefits. 3

COMMENT: A commenter proposed a five to ten year study of instream flows and other riparian improvements which might result from elimination of grazing on state lands in the Cow, French and Texas Creek subbasins.

RESPONSE: This suggestion does not appear to conflict with, or support, the proposed regulation. This is a suggestion that can be considered by the regional planning group.

- I. Hydraulic continuity is recognized in the Methow basin. 5, 16

COMMENT: These commenters stated that the Methow has high hydrogeologic continuity between surface and ground waters. One commenter observed that where there is continuity, continued water development would impact current instream flows that are insufficient for fish resources, as well as potentially impairing existing surface and ground water rights. In fact, he states, in the last couple of years there has been significant well development in the Methow, with significant impact to instream needs and existing water rights.

RESPONSE: Comment acknowledged.

- J. Farmers with interruptible rights should get firm rights before new developments. 5

COMMENT: This comment refers to the proposed access by new group domestic wells to the two cubic feet per second water flow reserved (by the 1977 regulation) in each river reach for single domestic and livestock watering uses. The result for group domestic water users would be a noninterruptable water supply, assuming that the 2 cfs allocation for the reach has not already been completely appropriated. This commenter favors sharing the remainder of the 2 cfs allocation with interruptable agricultural water rights holders rather than new multiple domestic developments.

RESPONSE: This suggestion does not conflict with, or support, the proposed regulation.

- K. Retain minimum flows for fish spawning. 5

COMMENT: This commenter urged that minimum flows be kept in rivers for fish spawning beds.

RESPONSE: The proposed regulation is intended to maintain existing levels of stream flows by regulating new wells in water short basins.

Ecology is conducting an Instream Flow Incremental Methodology (IFIM) study, which will provide information for use in recommending flows desirable for various fish life stages, including spawning. The IFIM study addresses the mainstem of the Methow River from Carlton to Early Winters Creek, and lower reaches of the major tributaries. This study will not be

completed prior to the scheduled adoption date for this proposed regulation. The results of this study are expected to be available for the Pilot Planning process.

- L. Prohibit transfer of water rights from parcel to parcel, within or between closed subbasins. 6

COMMENT: Proposed WAC 173-548-050(2) establishes a condition which, if met, and if approved by Ecology, would allow transfer of water rights to new wells in the closed subbasins. The condition is that the proponent has obtained a water right through the legal process for transfer of water rights from one location to another. The commenter objected to transfers between parcels, particularly when they are in different reaches within a closed subbasin or are transferred between one closed subbasin and another.

RESPONSE: RCW 90.44.100 limits Ecology's discretion in transferring water rights. Among the several limits is a prohibition of transfers which impair other existing rights, including instream flows and closed waters. Another limitation is that the transferred water right must tap the same body of public ground water as the original.

- M. The proposed regulation is necessary due to lack of complete data. 6, 7

COMMENT: These commenters suggested adopting the proposed regulation to retain the status quo, given the limited scientific data on the hydrology of the closed subbasins.

RESPONSE: Ecology has determined that no surface waters or hydraulically connected ground waters are available for appropriation in the subbasins closed by the 1977 regulation. Ecology believes that sufficient information exists to support the proposed regulation.

- N. Ecology should consider adjudicating the Methow basin. 8

COMMENT: This commenter suggests Ecology consider general adjudication of water rights in the Methow basin. He feels the lack of data makes adjudication particularly desirable.

RESPONSE: Adjudication of water rights is a specially tailored form of a quiet title action in state courts. The objective is a final judgement that sets forth all

existing water rights, ranked in order of priority. Several small subbasins in the Methow have previously been adjudicated, but no basin-wide adjudication has been undertaken or proposed.

Ecology recognizes that adjudication would resolve many data questions about water rights, especially questions of overappropriation. It would identify all current water rights holders, including those with wells not requiring permits. It would substantially improve Ecology's ability to economically enforce water law.

Adjudication would not, however, address current issues such as increasing the use of water conservation practices or allocating uninterruptable supplies to multiple domestic water systems. It would not shed light on hydraulic continuity or reevaluate instream flows. The process is costly and would create years of uncertainty and conflict for property owners. The probability is that some current water users would be required to respond to the lack of a legal water supply.

Adjudication does not conflict with, or support, the proposed regulation. It is an option that can be considered by the regional planning group.

0. Deny permits for ground water withdrawal in closed subbasins if withdrawal impacts surrounding ground water or surface water in the Methow. 6

COMMENT: This comment was presented in the context of comment L above, which discussed transfers within and between closed basins. Evaluation of hydraulic effects of ground water withdrawals should consider not only the impact on surface water, but also ground water nearby. Withdrawals may also adversely affect instream flows in the mainstem Methow through hydraulic connection via subbasin groundwater as well as surface water. Permits should not be granted if well tests detect impacts from these withdrawals on the mainstem Methow flows or the flow of ground water down the closed subbasin to the Methow.

RESPONSE: As the commenter recognizes, additional hydrogeological information is necessary to address the issues he has raised. Ecology believes that a case by case determination is the most effective way to address withdrawals with potential impacts on surrounding groundwater and/or the mainstem of the

Methow through hydraulic connection of groundwater flows.

P. Ecology does not listen to the Methow basin citizenry.

12, 15

COMMENT: A commenter noted that her attendance at the hearing would not make a difference, as the local people have been ignored and outnumbered by the political powers which pressure the county, state and federal bureaucracies. The hearing and workshops for this regulation were scheduled in conflict with several school open house, athletic and other local events, discouraging attendance by others than retirees, the childless or the independently wealthy.

Ecology hid the advertizing in the back of the front section of the Wenatchee newspaper and did not advertize in the Methow Valley News.

RESPONSE: Ecology is committed to meaningful public involvement in the development of this regulation. Substantial effort and resources have been expended to educate and involve Methow residents and other state citizens in water policy decision making. The agency has followed and exceeded the legal requirements for public involvement. Those who could not attend the hearing were invited, in hearing notices published as block advertising seven times in the two weeks prior to the hearing, to send in their views in writing.

Paid display ads, giving notice of the two workshops, the public hearing, how to comment in writing and how to obtain more information, were placed in the following newspapers:

Methow Valley News	9/12/91
The Omak Chronicle	9/11/91 & 9/18/91
The Wenatchee World	9/15/91 & 9/22/91
Quad City Herald	9/12/91 & 9/19/91

Public comment is a vital part of the regulation adopting process, even when the regulation does not change as a result. Public comment is the barometer by which Ecology may judge whether its draft regulation represents consensus, or absent consensus, a reasonable balance of concerns consistent with Ecology's responsibility to protect and manage the state's water resources.

Ecology's objectives are to provide leadership and to bring public agencies and diverse interest groups together to address emerging environmental and

resource issues. In the Methow basin, one cannot help but notice the diversity of the interest groups and public agencies. Building a consensus on Methow water issues will require lots of citizen participation and willingness to endure the necessary inefficiencies of a democratic process.

Q. There is no water crisis in the Methow.

12

COMMENT: There is plenty of water and no major development in the Methow basin. The commenter doubts there will ever be any major development. The biggest rush in development has come as a result of Ecology's "moratorium" over the past year.

RESPONSE: Current use of the term development often implies construction of urban areas or housing. However, the basin has already seen substantial development, if irrigation is included. Existing irrigation withdrawals have a significant effect on streamflows.

Ecology cannot speculate over the likelihood of future major development, because the water rights application for the Early Winters Project, a major development, is under review by the department. However, we agree that some, perhaps many, of the wells recently drilled in the Methow basin were drilled in anticipation of more restrictive regulation.

Although large quantities of surface and ground water seasonally flow through the Methow basin, availability problems do exist, particularly in the basins affected by this regulation. Some stream reaches chronically go dry during summer due to withdrawals and natural conditions. See D above for further discussion.

R. The state goal is to discourage jobs, to maintain the valley as a scenic natural area.

12

RESPONSE: Ecology is committed to protecting the environment. Ecology also believes that sound environmental stewardship is compatible with a sound economy. See V below for further discussion.

S. Wells drilled to bedrock do not guarantee the water encountered is from another aquifer.

13



COMMENT: The proposed WAC 173-548-050(4) establishes a condition which, if met, would allow new wells in closed subbasins. The condition is that the water sought for withdrawal must not be hydrologically connected to the closed surface waters. The commenter noted Ecology's administrative interpretation of this proviso: that wells drilled into bedrock are not deemed hydrologically connected. His comment is that there is no guarantee that wells drilled into bedrock can be sealed off by concrete grout from surface ground water. Thus a well drilled into bedrock limits, but does not prevent, surface ground water from being drawn into the well hole.

RESPONSE: The amount of surface ground water which can be withdrawn by a properly constructed well drilled into bedrock is very small. Ecology is willing to tolerate this leakage because of the practical difficulty of measuring and preventing it and because prohibition of such wells would inhibit development in closed basins more than necessary.

T. Water development for irrigation brings benefits.

14

COMMENT: Stream diversions for irrigation raise the water table on lands that eventually drain back into the streams; deep wells bring water to the surface that would otherwise stay deep underground. Wells below such irrigated areas benefit from the return flows.

Irrigation ditches provide green belts for browse and cover for wildlife; birds and deer find additional forage along the ditches.

RESPONSE: The proposed rule would regulate establishment of new water use developments. To the extent that new irrigation development does not occur in the closed basins, new impacts, as noted by the commenter, on return flows and wildlife will not occur.

However, the proposed rule also protects water supplies for existing irrigation activities with valid water rights in closed basins. Return flows and wildlife benefitting from current irrigation practices are less likely to be adversely impacted when the water rights of current irrigators are protected.

U. The real water table problem is lack of snow in lower areas.

14

COMMENT: The real problem is not excess water development, but is lack of rain/snowfall.

RESPONSE: Yes, you are right! At least you are right up to the point of having floods and blizzards. But since we have no control over precipitation, it is necessary to look for other controls. The proposed regulation is suggested as one approach to the real problem.

V. The regulation makes property worthless.

10, 15

COMMENT: These commenters suggest that the regulation makes property unbuildable and therefore worthless.

RESPONSE: The proposed regulation does provide options for property owners desiring to build in a closed subbasin. Water rights in these subbasins may be obtained through transfer of a valid water right, or by proving that the water source is not hydraulically connected with closed surface waters. A well drilled into bedrock may be determined by Ecology to be a source not hydraulically connected to surface waters.

Experience with an identical emergency rule, in effect since February, 1991, for these basins provides supporting data. Twenty requests to construct wells in closed subbasins have been approved, most with conditions to protect the surface water, pursuant to the above provisions.

The purchaser of property in water short areas should not rely on exemption from the permit process for assurance of a water supply. The statutory exemption for single domestic and other small capacity uses from permit requirements does not exempt such users from other laws or rules affecting the appropriation of water. The installation of a permit-exempt well and the legal right to withdraw water are separate issues. Wells may exist which lack a legal right to withdraw water. This regulation is intended to prevent such wells from being constructed in the future. The price of land in an efficient market should respond to these legal and water supply realities.

W. There will be plenty of water for fish if all irrigation is stopped at the end of September.

15

RESPONSE: We agree that curtailment of irrigation at the end of September could benefit the fish, assuming other requirements for fish habitat are met.

Generally, little benefit to crops results from irrigation after the growing season is concluded. However, authority to irrigate later in the year is part of many older water rights.

While new water right applications for irrigation uses are carefully examined, case by case, for potential impacts on fall stream flows, and are conditioned to protect fish, existing water rights, especially those in effect for some time, may permit irrigation later into the fall. Existing water rights cannot be retroactively limited by regulation. We are hopeful that a significant water conservation information and education effort can be undertaken as part of the regional pilot planning process that will minimize late season irrigation.

- X. A comprehensive water development program is needed in the Methow basin. 16

COMMENT: A comprehensive water development program is necessary for the Methow basin. The Pilot Planning process now under way should produce such a program. The Pilot Plan should evaluate hydrological connectivity in the basin and identify unappropriated water.

RESPONSE: Comment acknowledged.

#### Explanation of Changes to the Proposed Rule

No substantive changes have been made to the proposed rule. One typographical change has been made, correcting incorrect placement of double parenthesis marking material to be deleted. As published, the proposed regulation implied the existence of a ditto mark that does not appear in the regulation being amended. The location of the correction is on the last line, before the table footnotes, where French Creek is listed as closed, in WAC 173-548-050(4)(a).



**APPENDIX 1**

**WRITTEN COMMENTS SUBMITTED FOR THE HEARING RECORD**



Roger von Gohren  
DOE  
PV 11  
Olympia, Wa. 98504

Sept. 25, 1991

RE:Emergency Rule WAC 173-548-050

Dear Mr. von Gohren,

It is encouraging to see the State finally begin enforcement of rules adopted 14 years ago. The need for control of exempt single family domestic wells is imperative and long overdue. The emergency rule should be made permanent without delay or modification, except perhaps to elucidate on the certainty and degree of penalties.

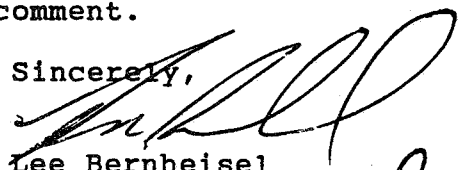
However laudable the enforcement via the emergency rule may be, it leaves a large gap in water resource and instream flow protection, regulation and enforcement. Data compiled in June of 1990 by Becky Johnson (then in the Yakima office) documents certificated water rights granted since 1976 on a NON-interruptable basis in excess of the 2cfs future allocation provided in WAC 173-548 for five of the seven mainstem reaches in the Methow drainage. This does not include the hundreds of exempt single family domestic wells drilled since 1977. Obviously, closure of the mainstem reaches and control of permit exempt domestic well drilling is appropriate and overdue. We request that the emergency rule be extended to cover the overappropriated mainstem reaches, including the Twisp, Chewuch, and all of the Methow except the headwaters and Early Winters reaches.

If pending applications are considered, it would be appropriate to close the headwaters and Early Winters reaches, since current applications exceed 2cfs/reach.

We hope that enforcement and preservation of remaining instream flows on the mainstem reaches will take less than 14 years to accomplish.

Thank you for the opportunity to comment.

Sincerely,

  
Lee Bernheisel

  
Lucy Reid

cc: Darlene Fry  
Hedia Adelsman

George Sukovaty & Valerie Sukovaty  
P. O. Box 306, Winthrop, WA 98862  
Phone: (509) 996-2255

September 26, 1991

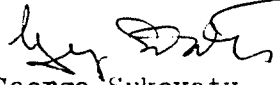
Roger von Gohren  
Department of Ecology  
Mail Stop PV-11  
Olympia WA 98504

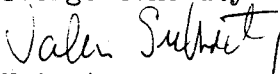
Re: WAC 173-548-050 DOE Methow Valley Emergency Rule  
Moratorium on private wells  
COMMENTS FOR THE PUBLIC HEARING, Sept. 25, 1991  
The Bqrn Winthrop WA 98862

This is our comment being absent from the hearings. We ask and request DOE to lift the closure of private wells in the moratorium and allow property owners to drill wells strictly for private single family use (with no irrigation rights). The closure of private wells in this area by DOE is arbitrary, because:

- 1/ There is insufficient fact and evidence that an emergency exists. Please note that the area closed (with very few exceptions) is currently zoned 20 acres minimum lot size and the water drainage area here is more than 90% publicly owned (State and Federal) where no private wells can be drilled. During the DOE Methow Water Committee meeting in Twisp on February 19th several experts commented that in a private family well and septic system 85% of the water used returns into the ground.
- 2/ The closure represents financial loss and other damages to the property owners without just compensation. As an example, we own a 20 acres parcel in the closed area for which we paid over \$20,000 for the land and close to \$2,000 for taxes. This property now became worthless since the County will not issue building permit on it due to lack of water source. We wish to point out that prior to purchasing the land we have contacted the DOE Yakima office and inquired whether we could drill a well. The answer was that private single family wells are priority I, can be drilled and no permits are needed.
- 3/ To further justify that there exists insufficient facts and evidence that an emergency exists and closure necessary, we enclose two letters from Jim Peterson and Cynthia Nelson (both from DOE) which appeared in the June 20th issue of the Methow Valley News which we wish to be made part of our statement and make it part of the record of the hearing.

Sincerely

  
George Sukovaty

  
Valerie Sukovaty

Encl.

RECEIVED  
SEP 28 1991  
DEPT OF ECOLOGY  
FISH & WILDLIFE DIVISION

Editor's note: The following is a verbatim copy of two letters received by the MVN last week in an unmarked envelope. Their authenticity was verified by Cynthia Nelson, the author of the second letter.

July 1, 1991

To: Hedia Adelsman  
From: Jim Peterson

Subject: Methow Closed Basins Reports as per  
Cynthia Nelson Memo of 6-26-91.

In reading my copy of Cynthia's memo, and regarding the first sentence of the fourth paragraph "Jim Peterson is comfortable with the technical assumptions and information being gathered and put into the reports.", I want to expand upon and discuss that sentence.

During the 6-18-91 meeting, I gave a brief description of how the closed basin field work was progressing. I reported the status of the draft reports - that there will be an individual report for each basin, and that the reports will all share introductions and format. I stated that within the limitations and constraints of this project (my emphasis), the explicit purpose of these reports, to look for obvious geologic and hydrologic conditions that might contradict our continuity assumptions, is being satisfied. The methods of investigation used for these reports are superficial; driving and looking. What well logs we have on file furnish some thickness figures, but as with all driller-originated information, they must be employed with caution. All we can say with confidence is that there are glacial sediments within the closed basins.

This is not the same as being satisfied with the technical assumptions. I have very grave reservations regarding the continuity judgement as it is being applied to the tributaries. This judgement can be paraphrased as "the glacial-fluvial sedimentary deposits in the Methow basin are the principal basin aquifer, and ground water in these sediments is in hydraulic continuity with the surface water." The continuity conclusion is supported by very limited information, collected in a discrete portion of the basin (the mainstem Headwaters Reach), and potentially applicable only there. Nevertheless, this judgement, only locally supportable with data, has been applied not only to the rest of the Methow River Valley, but to the tributary basins as well.

While the Methow Basin as a whole was subjected to glaciation and glacial sedimentation, the depositional dynamics between the Methow River Valley and many of the tributary drainages were not the same. Ice damming in many of the tributaries has contributed to extensive deposits of glacial clays and silts. This is not the case in the mainstem valley. Hydraulic continuity in the tributaries, Beaver Creek for example, is more uncertain than at Mazama.

I am concerned with having to defend these closed basin reports during the workshops and the hearing. The public will be asking for justification, based on empirical evidence, for conclusions we reach regarding the closed basins' continuity. I will be able to say that, based on a visual reconnaissance, we assumed that the sediments in the closed basins possess the same continuity characteristics as do the glacial gravels in the Mazama area. No, we have no other evidence to support this contention. No, no other substantive work (well monitoring, coring, test well drilling, aquifer testing, seismic surveys) has been done in these basins in support of the continuity decision. About all that I will be able to attest to, is that ecology did have someone (me) go into each of the basins and look at the sediments.

In a situation where public confidence in the technical credibility of Ecology is as fragile as it is in the Methow Basin, I believe that this project, as presently conducted, will only increase public distrust. Further declines of confidence in the Agency can affect future Ecology efforts in the Methow, especially the Pilot Project. If we are trying to convince a skeptical public that our policy decisions flow from technical facts, then the manner that hydraulic continuity in the closed tributaries is being justified, undermines this attempt.

cc. Doug Clausing  
Felecia Curtis  
Darlene Frye  
Art Larson  
Cynthia Nelson  
Ken Slattery



cc. Doug Clausing  
Felecia Curtis  
Darlene Frye  
Art Larson  
Cynthia Nelson  
Ken Slattery

July 3, 1991

TO: Art Larson  
FROM: Cynthia Nelson  
SUBJECT: Methow Technical Issues

Hedia gave you an assignment today for me to pass on to you. By July 15, she wants a draft evaluation of what is needed in the Methow basin to assess hydraulic continuity. This will apply both to the closed subbasins and the Valley as a whole. I spoke with Central Regional Office staff today and let them know that Hedia had made this assignment and that you would probably be contacting them.

Also, Hedia wants you to evaluate Jim Peterson's letter of yesterday as part of this. I have attached a copy of this, although you should have received one already as a cc: from Jim's memo.

We have a Methow staff meeting scheduled for the morning of July 16 and several of us will be briefing Terry Husseman that afternoon. There is a government-to-government meeting scheduled for July 19 all day in Wenatchee. Hedia expects that we will be prepared to discuss the 2 cfs report at that meeting, so be prepared to talk about it on the 16th. There will be more details next week on the meeting. Thanks!

CN:

cc: Gary Hanson  
Ken Slattery  
Doug Clausing  
Darlene Frye  
Hedia

## LETTERS cont. from p.4

### To benefit all

#### MVID Patrons:

A while back the MVID landowners voted by over 70 percent approval to seek means of providing a reliable source of water to all owners. A lot of work was done to explore the options available. Well logs were checked, and preliminary figuring done for conversion to wells. Sources of funding for conversion to wells was looked at, with several agencies interested.

Funding for alternative delivery may still be available. The Northwest Power Planning Council's latest "Integrated System Plan for Salmon Production..." June 1, 1991, lists MVID conversion as a priority.

Since gaining two new Directors (one we elected and the other we can hold the County Commissioners responsible for) they have decided they know what is best for

water delivery to a minority of users for the last 50 years. These two Directors want to continue benefiting a few.

The previous Directors were able to place an interest bearing account with the County in excess of \$100,000 from the Laura Adams settlement. The intent was to leave that money alone until we had a chance to study and vote on options available and let the whole district benefit.

The new Directors' intent, stated at a regular meeting, is to use the money for operating and maintenance for the canal - which serves only about 25 percent of the District lands. The benefit is only to those taking water from the canal at the expense of all the rest.

The Superior Court judgement of the State of Washington vs. Laura Adams states the money belongs to all members of the District, not a select few. We intend to see that it benefits all landowners.

Signed,  
Citizen's Awareness Team (CAT)

The non-smoking, anti-

## Library

by Sharon Ellinger

From white to bright your plain white T-shirts Twisp Library tie dye party alike to come to the library you need to bring is some library supplies the dye.

On Saturday, July 27, conjunction with the Central Regional Library brought have been weeded from the hardbound or paperback, raise money for the Twisp great price.

The summer reading invite kids of all ages to come done so. There are plenty

Following are two books "Not Without My Daughter" exciting true life story of a country, Iran. While there away and raise her in the an insightful look into America and Iran.

"Can't Quit You Baby" the story of a special friend woman who help and support

Donations of hardbound book sale are appreciated. A.V. equipment fund.

## Auction plan money for

by Mary Rea

A county-wide auction next fund raiser by a group trying to help Kathy Cock Omak pay for a heart transplant.

Kathy's heart began to fail years ago. A heart transplant only hope, but the family has lost that their health insurance will cover the necessary medical care. Total cost of the operation \$130,000, with \$70,000 needed front.

At present approximately \$22,000 has been raised in communities of Okanogan and to help the Cockrums with financial burden of the upcoming transplant. Now friends of the family are asking for participation other towns in the county support this effort. As a result

12215 - 9th N.W.  
Seattle, WA 98177-4301  
October 9, 1991

Mr. Roger von Gohren  
Department of Ecology  
Mail Stop PV-11  
Olympia, WA 98504-8711

Dear Roger:

I am writing concerning the proposed rule that would continue the ground water restrictions placed on critical water supply areas in the Methow Valley. The proposal involves a change in WAC 173-548-050 which deals with the "Water Resources Program in the Methow River Basin, WRIA 48". The proposal has been prepared by Ecology because of a concern for water being over allocated in an area where the ground and surface waters are considered to be hydraulically connected.

The premise for these restrictions is based on a fatal flaw, and the proper correction involves making a definitional change in WAC 173-500 "Water Resources Management Program Established Pursuant to the Water Resources Act of 1971". I do not know if the necessary definitional change will also require a change to the Water Resources Act. In any event, the definitions of "consumptive use" and "appropriation" are fatally flawed. Those definitions are given in WAC 173-500-050 (2) and (5). They read,

(2) "APPROPRIATION" means the process of legally acquiring the right to specific amounts of the public water resource for application to beneficial uses.

(5) "CONSUMPTIVE USE" means use of water whereby there is a diminishment of the water source.

The flaw becomes evident as applied in WAC 173-548-050 with its emphasis on "consumptive appropriations". Specific references are made to,

"...rights to use water consumptively established through permit procedures and ground water withdrawals otherwise exempted from permit under Chapter 90.44.050 RCW."

It also strictly limits further wells, "for any purposes" (emphasis added).

Groundwater withdrawn for residential use is not a consumptive use when it is returned to the ground via an on-site treatment system. Possibly a small amount may be lost due to evaporation in the house and transpiration from vegetation that may utilize some of the moisture from the drain field. Water used out of doors for watering would have a large percentage that would be lost to the groundwater/surface water systems due to evaporation and transpiration. Even water used outside for watering though would not be totally lost to the system. Some would still return to the groundwater, especially when the soil drains (or perks) so rapidly. Simply speaking though, the concept of consumptive appropriation has been interpreted as any water appropriated is lost forever. There is no credit for any return flow to the ground.

This is scientifically indefensible. Clearly not all water utilized in a home results in an equivalent diminishment of the resource. Unfortunately, the definition of consumptive use is the use of water whereby there is a diminishment of the water source and it does not specify how much diminishment. Hence, a 100 gallon usage that results in a net loss of 1 gallon and a return of 99 gallons would be considered a consumptive appropriation of 100 gallons.

Consider an analogy between groundwater and money. If you went to the bank and withdrew \$100 from savings, enjoyed looking at it, spent \$1 and then quickly re-deposited \$99 back into the same savings account, would that be a consumptive appropriation of \$100 or \$1?

The present assumption that all water appropriated is gone forever from the system can serve as a simple screening tool. When that calculation indicates that a threshold of some concern may be approached, that indicates not a need to halt further appropriations, but a need to better quantify the percentages of each consumptive appropriation that is truly consumptive, and the percentage that is merely a short-term withdrawal and re-deposit.

Another way to view the issue of consumptive vs non-consumptive use of ground or surface water is to call the extraction a consumptive use, but to allow a credit for that which is returned to the groundwater or surface water as appropriate. There are other examples in law in which credits for returns are allowed.

The definitions in WAC 173-500-050 should be revised as follows:

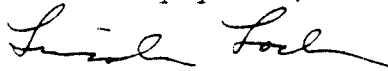
(2) "APPROPRIATION" means the process of legally acquiring the right to specific amounts of the public water resource for application to beneficial uses, with such amounts to be distinguished between that which is consumptive and that which is not.

(5) "CONSUMPTIVE USE" means only that use of water which results in an equivalent diminishment of the water source.

The very broad restrictions in the proposed revisions to WAC 173-548-050 should not be implemented at this time, because clearly many types of appropriations actually result in very little real consumptive use. Since a screening level, based on very conservative assumptions, has been approached, it is appropriate for ecology to begin a process of estimating the real consumptive appropriation (using my recommended definitions) for the areas of concern. Perhaps large additional appropriations should be curtailed until this is completed. Withdrawals for home use should be allowed, perhaps with the stipulation that outside usage be metered, to help in evaluating the real consumptive usage.

I look forward to your response to these concerns. If I may be of any assistance in this matter, please feel free to contact me. My work phone number is (206) 389-6219.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Lincoln Loehr".

Lincoln Loehr

OCT 7 1991

DIRECTOR'S OFFICE

9/27/91

Dear Ms. Gregoire,

You may be wondering why hardly anyone showed up at your meeting. Burnout. Meeting burnout. For the fifteen plus years I have lived in the Methow, there have been countless meetings called to announce this, or take citizen input on that. I have been to more than I can recall. There was one major common impression I have had of all of them. They were a waste of time.

My husband and I planned to go to yours on the 24th and 25th. But we reflected on what good our attendance would accomplish. Would you actually respond, change your mind or do something other than you have already planned. No, my attendance certainly wouldn't make a difference. It has been plain for 15 years, whatever a state bureaucracy or even a county bureaucracy feels they can get away with, they will do. A federal bureaucracy just does it without worrying about whether people like it or not. The Methow Valley has had a history of being dumped on for years by every bureaucracy there is. Our tiny population makes it easy. Whether 1 person or 301 people go to a meeting we are still outnumbered by the political powers who pressure the bureaucracy in Okanogan, Olympia or Washington, D.C..

I sat on several advisory committees, once spending two years going to weekly and sometimes semi-weekly meetings. Not one comment I made was ever incorporated into any part of the resulting findings. The people don't want your water regulations but do we feel we can stop them? No way. Unless you get someone wealthy enough to sue the state over your redundant law, you will get your way until a new governor comes along to stop you.

There is plenty of water in the Methow Valley. Check your geography- where else does all the water from the mountains go? And there is no major development happening here. I personally doubt there ever will be. The biggest rush in development came this past year with your moratorium. Without that, I doubt that half of the homes built here would have happened.

But it seems to be the state of Washington's goal to make sure that no sensible business person will ever come here to create employment opportunities. The major importance to the state of Washington is to keep the Methow Valley a scenic drive-through for their North Cascade Highway. I believe you and your agency hope that the private land owners will all sell their land to the Wildlife Commission and quietly go away.

I have everything I own invested in this valley. I have three children in school here and 20 people who work for me. I am committed to this valley's survival. I think making scientific assumptions based on political motivations is tragic for all of us who live here and I don't want anymore of your moratorium. It is wrong and unproven. The State seems quick to jump to conclusions if it is politically expedient. If there is hard factual proof of water shortages, why is it not being published?

By the way, during this week you choose to have your meetings were you aware that there was grade school open house, Montessori open house, football games and volleyball games for both the junior high and high schools, as well as booster club meetings, etc? The people of the Methow have only so many nights, so many hours. The crowd at the open house at the grade school was standing room only. Supporting your children is important to those of us who are parents. The people who were at your meeting I can guarantee you are retired, have no children or are independently wealthy. Or all three. Or all six as the case was. I hope you don't consider six people a democratic representation of our valley.

On the behalf of my family,

*Allen Bannick*  
*Withrop WA*

*Please accept  
this letter as  
my comment on  
the extension of  
the water  
moratorium—  
EB*

# State urged to continue well-drilling ban

By MIKE IRWIN  
World staff writer

**WINTHROP** — Local residents testifying Wednesday urged the state Department of Ecology to continue well-drilling restrictions in area creek basins and to consider extending the restrictions to main stem Methow, Twisp and Chewuch rivers.

In a surprisingly light turnout, six Methow Valley residents and two tribal officials spoke here at a public hearing on Ecology's proposal to continue a well-drilling moratorium in 14 creek basins and along 17 lakes.

Wednesday's taped comments will be delivered to Ecology Director Christine Gregoire, who will make the final decision on

the agency's proposal. Written comments will be accepted until Oct. 18.

The hearing focused on Ecology's emergency rule, declared in February, that enforced a 1977 state closure of creek basins to new wells affecting stream flows and fish habitat.

Earlier this year, the controversial restrictions had drawn packed houses of angry business people who believed the emergency moratorium would ruin the Methow Valley's building and tourism economy.

By contrast, a public workshop Tuesday and public hearing Wednesday on continuing the restrictions drew small and docile crowds.

"Where are all the people?" asked Sen. George Sellar, Wen-

atchee, who attended the hearing to hear both sides of what he had assumed was the Methow's hottest topic.

"This (small turnout) surprises me after receiving so many calls from so many dissatisfied people," Sellar said. "I expected more opposition to the restrictions."

Ecology's Felicia Curtis, the hearing coordinator, said she hoped the light turnout meant more Methow Valley residents understand the restrictions and why they're being enforced.

"After all this time, I certainly expected more people to voice concerns and get clarifications," she said.

Puzzled Ecology and tribal officials agreed the low turnout may be the result of the restric-

tions' minimal effects on local business.

Last summer, Okanogan County officials mused that the Methow Valley's well-drilling and construction trades may have even been boosted by restrictions as property owners rushed home-building to beat expansion of the moratorium to unrestricted areas.

At Wednesday's hearing, Ralph Arnold of Winthrop was the only resident to speak against the restrictions.

He claimed the creek and lake closures were based on incomplete hydrological and geological information and urged Ecology to conduct more studies before continuing the restrictions.

Arnold added that the clo-

sures undermined an ongoing state water study that could provide solutions to the Methow Valley's water woes.

But in other testimony, residents urged Ecology to continue the restrictions to protect fish and wildlife habitat and to extend the restrictions to cover the main stems of the Methow, Twisp and Chewuch rivers.

In addition, Kirk Truscott, a hatchery biologist for the Colville Confederated Tribes, recommended Ecology prohibit transfer of the basins' water rights, particularly from one basin to another.

He also argued that Ecology should deny water applications along tributaries that might affect main stem water levels downstream.

Dale Bambrick, an environmental biologist for the Yakima Indian Nation, reminded Ecology officials of the dwindling chinook salmon populations in the upper Methow basin and urged continuing the restrictions.

In the past, tribal biologists have argued that the fish may be affected by low water levels resulting from unchecked development.

David Sone, Carlton, also testified that cattle grazing on state lands affects water quality and quantity and suggested grazing leases in some lower valley subbasins be revoked until further studies are conducted.

RECEIVED

OCT 21 1991

DEPARTMENT OF ECOLOGY  
WATER RESOURCES

HCR 73, Box 248  
Carlton, Wa. 98814  
October 16, 1991

Roger von Gohren  
Department of Ecology  
Mail Stop PV-11  
Olympia, Wa. 98504

Dear Sir:

I am concerned about the DOE's policy of allowing well drilling into bedrock in closed tributaries of the Methow drainage.

I am a graduate of WSC with a BS in Mining Engineering. I have a strong background in geology. I also knew and travelled with Julian Barksdale, who was the head of the Geology Department at the University of Washington, who spent 30 years studying the geology of the Methow, and whose published work is Bulletin No. 68, Geology of the Methow Valley.

Wells drilled into bedrock do not guarantee that the water encountered is not surface ground water. The bedrock usually has fissures and fractures that allow water to drain into the drill hole. There is no guarantee that wells into bedrock can be sealed off by concrete grout from the surface ground water. When drilling is resumed new fractures could appear even if concrete grout is put in under pressure.

Therefore I believe that a well into bedrock only limits the amount of surface ground water that can drain into the well hole.

I believe that most of the water found in Methow bedrock is rechargeable each year from surface precipitation.

I hope you will consider my opinion before issuing further well permits in closed areas. Thank you.

Sincerely,

*Vernon LaMotte*

Vernon LaMotte

Jewis Wa.  
Oct 16. 1991

Mr Roger von Gohren  
Department of Ecology  
Mailstop PV-11  
Olympia Wa 98504-8711

Dear Mr von Gohren

I would like to make a few comments concerning the claim that new wells and surface water diversion have lowered the water table and Methow Valley streams. In the first place irrigation from stream diversions build up the water table in lands that eventually drain back into the streams, and deep wells bring water to the surface that otherwise would stay deep underground. Our own well is definitely subject to water from irrigation on higher land.

Surface water diversion helps wild life by putting a green belt along ditches for browse and cover and by growing additional forage for deer and birds that would not be there if it weren't for diversion ditches -

The real problem with the water table is purely lack of snow fall in lower areas. I have lived in the Methow for 70 years and have seen many "frost or famine" in the water situation. There are 700 springs going dry this summer that have not been dry in 40 years and its not because of wells as there are none within many miles of them and the springs were on the higher ground.

Im all for controlling development



but you don't seem concerned about  
controlling development in the upper Methow  
and Chewack areas that are the source  
of most of the water in the Methow River,  
and ultimately its main source of pollution.

Sincerely  
Cecilia Campbell  
Rt 1, Box 970  
Twisp Wa 98856

C. Campbell  
Rt 1, Box 970  
Twisp Wa  
98856



Mr Roger van Gohren  
Department of Ecology  
Mailstop PV-11  
Olympia Wa.  
98504-8711

RECEIVED

OCT 21 1991

DEPARTMENT OF ECOLOGY  
WATER RESOURCES

Carlton Wa.  
Oct. 17, 1991

Dear Sir:

I have a piece of property (one hundred  
60 acres) in the Cow Creek drainage

that I have paid taxes on since 1945  
The taxes amount to 4.38.<sup>00</sup> a year  
and you people take away my right  
to drill a well on it to give water  
to some one else down in the valley.

This is plain stealing. It devalues  
my property I've saved this property for a  
rainy day you put a moratorium on well  
drilling off the valley floor. No body  
wants property without water.

I have watched these little creeks  
for 46 yrs they practically dry up in  
the fall of the year practically all of  
the water in the river comes from far  
up the valley. If you want to put a  
moratorium on any place put it on  
up there where it will do some good.

As far as the Indians & fish. (stop  
all irrigating on the last of Sept. you will  
have plenty of water for the fish.

I am 86 years old and don't have time  
for all of this business. I found this article  
hidden away in the back of the front  
section of the Wenatchee daily. No thing  
in the Methow Valley News.  
Pretty sneaky

RECEIVED  
OCT 15 1991  
JOURNAL NEWS

Elles J. Preston

# NORTH CENTRAL WASHI

## Briefly

### Input to end on well drilling

TWISP — The public comment period ends Friday on a state proposal to make permanent current well-drilling limits across a wide area of the Methow Valley.

The proposal by the state Department of Ecology would make permanent the emergency restrictions on well drilling now in effect along 18 creeks and 14 lakes.

The Methow Valley is now in the second 120-day extension of the emergency rule, which went into effect last February.

The limits enforce a 1977 water study that recommended closure of the tributary basins to unchecked development. Proponents of the restrictions argue that new wells and surface water diversions have lowered water levels and threatened wildlife.

Written comments may be submitted through Friday to Roger von Gohren, Department of Ecology, Mailstop PV-11, Olympia, WA 98504-8711.



Ellis Preston  
Box 193  
Carlton Way 98814

Roger Von Gohren  
Dept of Ecology  
Mail Stop PV-11  
Olympia Wash.  
98504-8711

JOSEPH R. BLUM  
Director



STATE OF WASHINGTON  
DEPARTMENT OF FISHERIES

115 General Administration Building • Olympia, Washington 98504 • (206) 753-6600 • (SCAN) 234-6600

October 18, 1991

Department of Ecology  
ATTENTION: Roger von Gohren  
Mail Stop PV-11  
Olympia, Washington 98504

SUBJECT: Comments on Proposed Continuation of Ground Water  
Restrictions In the Methow River Basin

Dear Mr. von Gohren:

The Department of Fisheries (WDF) received the September 16 proposed modifications to WAC 173-548-050 and WAC 173-160-040 on September 27, 1991. I have reviewed the above-referenced proposal on behalf of WDF and offer the following comments for consideration.

WDF supports the proposed continuation of groundwater restrictions in the Methow River basin until a comprehensive water development program is developed. This program must evaluate the degree of groundwater connectivity and be based on identification of additional surplus water. WDF is participating in the Chelan Agreement - Methow Basin Pilot Project. As part of that project, state government, local government, and the public are attempting to jointly establish a water development plan in the basin.

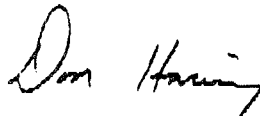
Available information indicates a high degree of connectivity between ground- and surface waters in the Methow basin. It would be inconsistent to be pursuing water conservation for the benefit of instream resources in the Methow Pilot Project, while at the same time allowing continued drilling of wells that would remove the water. Where there is connectivity, continued water development would also impact current instream flows that are insufficient for fish resources, as well as potentially impairing existing surface and groundwater rights. In fact, in the last couple of years there has been significant well development in the Methow, with significant potential impact to instream needs and existing water rights.

The extent of available water needs to be clearly identified before any further water development in the basin is allowed. This evaluation should identify water availability on a site specific basis as well as potential impacts to downstream areas.

Roger von Gohren  
October 18, 1991  
Page 2

WDF encourages the Department of Ecology to adopt the proposed changes to the above-referenced WACs. Please contact me at (206) 753-2984 with any questions on these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Haring".

Donald D. Haring  
Resource Manager  
Habitat Management Division

ddh



## APPENDIX 2

### PUBLIC NOTICE DOCUMENTS

#### PROVIDING NOTICE OF THE RULE ADOPTION PROCEDURE

(The September 16 letter to Interested Persons was accompanied by bulky enclosures. To control the cost of this responsiveness summary, two of the enclosures are not included, but may be obtained on request. The documents not included in the Responsiveness Summary are a series of reports on the geology of each closed basin and a series of reports giving the number of water rights and claims on file for each closed basin. These reports may be requested from Roger von Gohren, Department of Ecology, PV 11, PO BOX 47600, Olympia, Washington 98504-7600. The enclosures with the September 17 letter to Interested Persons were a draft of the proposed regulation, a map showing the closed subbasins, and a Focus sheet with background information. These documents are identical to those appearing immediately after the September 16 Interested Persons letter and have not been included a second time after the September 17 letter.)



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia Washington 98504-8711 • (206) 459-6000

September 16, 1991

TO: Interested Persons

The Department of Ecology has scheduled public workshops and a public hearing on a proposed rule that would continue the ground water restrictions placed on critical water supply areas earlier this year as a result of an emergency rule. The surface water and interconnected ground water of these critical water supply areas have been closed to appropriations since 1977. However, water wells that use 5,000 gallons of ground water per day or less are not required to obtain a water right permit and, therefore, are difficult to manage.

Under the proposed rule, Ecology would manage these critical water supply areas by approving well construction in the closed areas only for persons who can show proof that legal water is available.

Because of your previously expressed interest in this issue, I have enclosed an information packet for your use. Enclosed please find the following:

- The draft regulation
- A map of the closed subbasins
- Background materials that explain the proposed rule
- A property owner's guide
- A report of the geology of each closed subbasin
- A report of the number of water rights and claims on file for each closed subbasin

The same background materials on the proposed rule will be available beginning Tuesday, September 17, 1991, at the Winthrop Public Library and town halls of Twisp and Winthrop, and at Ecology's Central Regional Office in Yakima.

The schedule is as follows:

Tuesday, September 24    Public Workshop (Open Discussion)  
                                  Methow Valley Community Center  
                                  Auditorium  
                                  Twisp, Washington  
                                  7:00 p.m.



Interested Persons  
September 13, 1991  
Page 2

Wednesday, September 25 Public Workshop (Open Discussion)

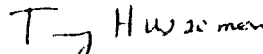
The Barn  
Winthrop, Washington  
6:00 p.m.

Public Hearing (Public Comment on  
Proposed Rule)  
The Barn  
Winthrop, Washington  
7:00 p.m.

Persons unable to attend may comment in writing by October 18, 1991. Written comments should be sent to: Roger von Gohren, Department of Ecology, Mail Stop PV-11, Olympia, Washington 98504 or FAX (206) 459-6995. For more information contact Darlene Frye, Department of Ecology, 3801 W. Washington, Yakima, Washington 98903-1164 or (509) 575-2800.

Thank you for your interest in water resource issues in the Methow River basin.

Sincerely,

  
Terry Husseman  
Assistant Director  
Water and Shorelands

TH:RvG:jf  
Enclosures

AMENDATORY SECTION (Amending Order DE 76-37, filed 12/28/76)

WAC 173-548-050 Streams and lakes closed to further consumptive appropriations. The department, having determined based on existing information that there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the ~~((following))~~ streams and lakes listed in (a) and (b), and ground water hydraulically connected with these surface waters to further consumptive appropriation ~~((for the periods indicated, with exceptions as noted:))~~ This includes rights to use water consumptively established through permit procedures and ground water withdrawals otherwise exempted from permit under Chapter 90.44.050 RCW. Specific situations in which well construction may be approved are identified.

No wells shall be constructed for any purposes, including those exempt from permitting under RCW 90.44.050, unless one or more of the following conditions have been met and construction of the well has been approved in writing by the department prior to the beginning of well construction:

(1) The proponent has a valid water right permit recognized by the department. For an existing community domestic use, a water right permit must be held by a purveyor of an approved system. (For the purposes of this chapter, an approved water system is one in compliance with the state Drinking Water Regulations, Chapter 246-290 WAC and the state Surface and Ground Water Codes, Chapters 90.03 and 90.44 RCW); or

(2) The proponent has obtained a valid state surface or ground water right through a transfer approved by the department under the statutory authority of Chapter 90.03 RCW or Chapter 90.44 RCW; or

(3) The proponent is replacing or modifying an existing well developed under the exemption from permit clause of RCW 90.44.050 and this has been approved in writing by the department; or.

(4) If the ground water being sought for withdrawal has been determined by the department not to be hydraulically connected with surface waters listed as closed, the department may approve a withdrawal. When insufficient evidence is available to the department to make a determination that ground and surface waters are not hydraulically connected, the department shall not approve the withdrawal of ground water unless the person proposing to withdraw the ground water provides additional information sufficient for the department to determine that hydraulic continuity does not exist and that water is available.

(a) STREAM CLOSURES  
The following streams are closed all year, including all ground waters hydraulically connected to these streams.

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Stream Name

(Includes Tributaries)	<del>((Affected Reach</del>	<del>Period Closure))</del>
Wolf Creek	<del>((Mouth to Headwaters</del>	<del>Closed all year**))</del>
Bear Creek	<del>((n</del>	<del>Closed all year))</del>
(Davis Lake)		
Thompson Creek	<del>((n</del>	<del>Closed all year**))</del>
Beaver Creek	<del>((n</del>	<del>Closed May 1 to Oct. 1**))</del>
Alder Creek	<del>((n</del>	<del>Closed all year))</del>
Benson Creek	<del>((n</del>	<del>Closed all year**))</del>
Texas Creek	<del>((n</del>	<del>Closed all year))</del>
Libby Creek	<del>((n</del>	<del>Closed May 1 to Oct. 1**))</del>
Cow Creek	<del>((n</del>	<del>Closed May 1 to Oct. 1))</del>
Gold Creek	<del>((n</del>	<del>Closed May 1 to Oct. 1*/**))</del>
McFarland Creek	<del>((n</del>	<del>Closed May 1 to Oct. 1))</del>
Squaw Creek	<del>((n</del>	<del>Closed May 1 to Oct. 1))</del>
Black Canyon Creek	<del>((n</del>	<del>Closed May 1 to Oct. 1))</del>
French Creek		<del>((Closed May 1 to Oct. 1*/**</del>

~~\* Exception for single domestic and stock water.~~

~~\*\* Exception for water developed solely from added storage capacity within the basin.))~~

#### (b) LAKE CLOSURES

~~((All lakes not listed below are restricted to rights to divert water for single domestic and stock watering purposes only, as appropriate.))~~ The following lakes are closed all year, including all ground waters hydraulically connected to these lakes:

Name	Location
Alta Lake	3 mi. SW of Pateros
Black Lake	25 mi. N of Winthrop
Black Pine Lake	9 mi. SW of Twisp
Crater Lake	10 mi. W of Carlton
Davis Lake	Bear Creek Drainage
Eagle Lake	11 mi. SW of Carlton
French Creek	Sec.28, T.31N., R.23E.
Libby Lake	10 mi. W of Carlton
<del>((Louise))</del> <u>Louis Lake</u>	20 mi. W of Winthrop
Middle Oval Lake	16 mi. W of Carlton
North Lake	20 mi. W of Winthrop
Patterson Lake	Sec.8, T.34N., R.21E.
Pearrygin Lake	Sec.36, T.35N., R.21E.
Slate Lake	14 mi. W of Winthrop
Sunrise Lake	16 mi. W of Methow
Upper Eagle Lake	12 mi. W of Carlton
West Oval Lake	16 mi. W of Carlton

~~((The development of future impoundments creating new lakes is provided for under WAC 173-548-050(a).))~~

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-160-040 Permit. As provided in RCW 90.44.050, no well shall be constructed if a withdrawal of more than five thousand gallons a day or irrigation of more than one-half acre of noncommercial lawn and garden is contemplated, unless an application to appropriate such waters has been made to the department and a permit has been granted.

As provided in WAC 173-548-050, no wells shall be constructed for any purposes in subbasins closed in the Methow water resources regulation, including those exempt from permitting under RCW 90.44.050, unless written approval has been obtained from the department prior to beginning well construction.

**METHOW HEADWATERS**

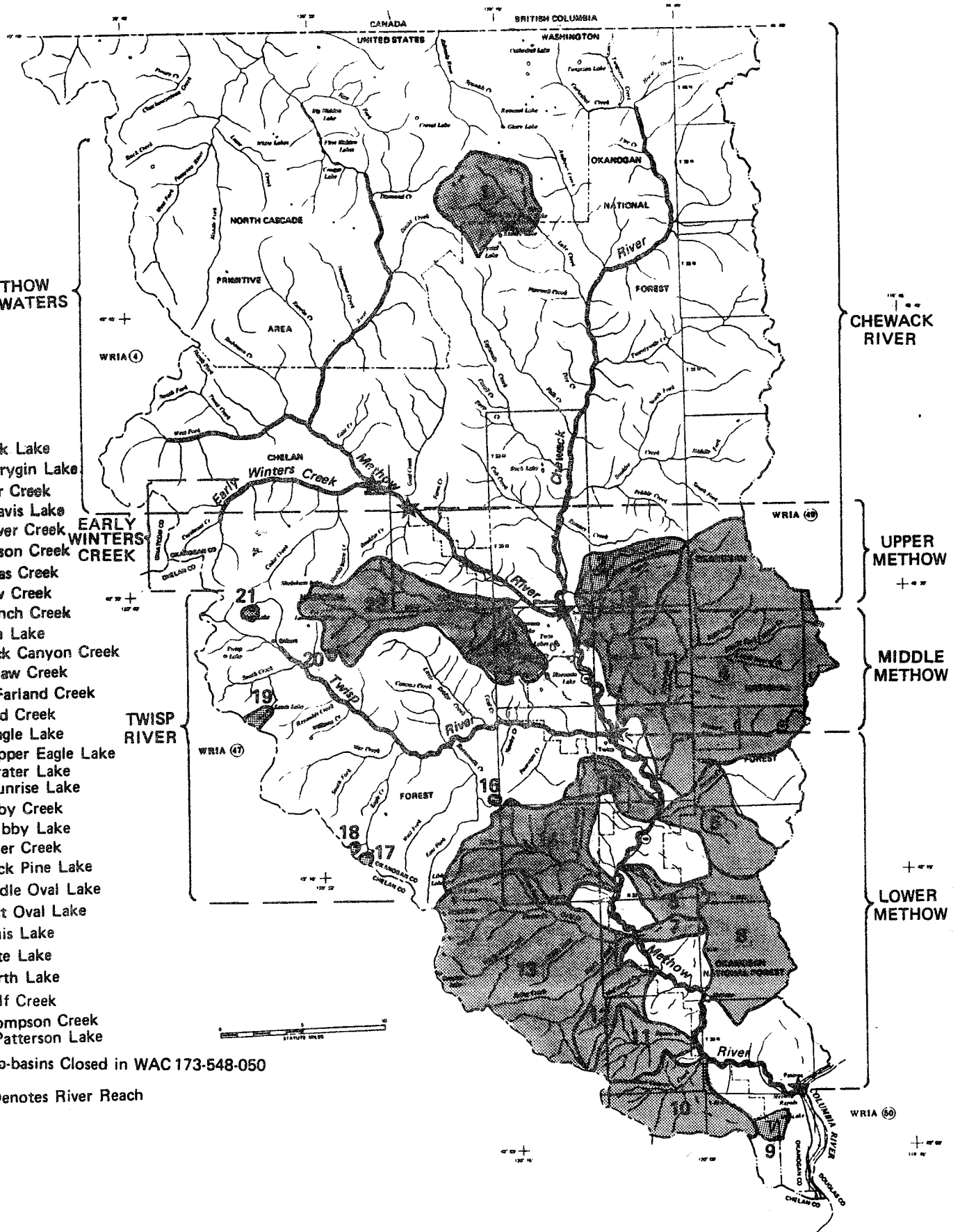
- 1-Black Lake
- 2-Pearrygin Lake
- 3-Bear Creek
- 4-Davis Lake
- 5-Beaver Creek
- 6-Benson Creek
- 7-Texas Creek
- 8-Cow Creek
- 9-French Creek
- 9-Alta Lake
- 10-Black Canyon Creek
- 11-Squaw Creek
- 12-McFarland Creek
- 13-Gold Creek
- 13-Eagle Lake
- 13-Upper Eagle Lake
- 13-Crater Lake
- 13-Sunrise Lake
- 14-Libby Creek
- 14-Libby Lake
- 15-Alder Creek
- 16-Black Pine Lake
- 17-Middle Oval Lake
- 18-West Oval Lake
- 19-Louis Lake
- 20-Slate Lake
- 21-North Lake
- 22-Wolf Creek
- 23-Thompson Creek
- 23-Patterson Lake

**EARLY WINTERS CREEK**

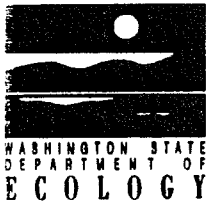
**TWISP RIVER**

■ Sub-basins Closed in WAC 173-548-050

★ -Denotes River Reach



**METHOW RIVER BASIN**  
**WATER RESOURCE INVENTORY AREA 48**



# Focus

## Methow's Critical Water Supply Areas

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### Proposed Rule to Manage Well Drilling

#### Background

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In Washington State, water right permits are required by law for use of any amount of surface water (water from lakes, streams and springs). However, water right permits are not required for ground water withdrawals of 5,000 gallons per day or less.

In the Methow Basin, a basin management plan was implemented in 1976 to more specifically address local water resource issues. The 1976 plan set instream flow levels on seven management reaches in the basin to protect instream resources, including fish habitat. In addition, several lakes and streams were closed to future surface water withdrawals, as well as ground water withdrawals interconnected to closed surface waters.

Because wells that use 5,000 gallons of ground water per day or less do not require a water right permit, management of ground water in the closed stream and lake drainages has been difficult. With the current permitting exemption in place there is an incomplete record of wells, and new wells may withdraw water in areas where water is not legally available for appropriation. In these cases, senior water right holders are deprived of their water as new exempt wells are constructed and operated. Enforcement against existing homes is a very difficult and costly alternative.

During the 1990 and 1991 legislative sessions, the Washington State Legislature passed growth management legislation which addresses such critical water situations. Under this legislation, local governments must determine that adequate water exists before permitting construction of a building that would require a water. In addition, the Water Well Construction Act authorizes Ecology to restrict well drilling in areas that require intensive management of ground water supplies.

The Department of Ecology's proposed rule, if implemented, would require proof that ground water supplies are not interconnected with critical surface water supplies before well construction can begin. The proposed rule would satisfy the intent of the Growth Management Act. It is a continuation of an emergency rule recommended in February 1991 by an intergovernmental group consisting of the Okanogan County Commission, the Yakima Indian Nation, the Colville Confederated Tribes, and Ecology and other state agencies. Talks by the intergovernmental group are an example of cooperative water resources planning, as called for in the Chelan Agreement.

#### The Problem

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Surface water used in many of the closed lakes and streams exceed the amount of water available, especially in dry years. These areas were adjudicated between 1921 and 1984 to establish the extent and priority of water uses.

In 1976, the Methow River Basin Citizen Advisory Committee recognized that water availability in these areas was almost nonexistent. The advisory committee recommended to Ecology that these lakes and streams be closed to further appropriation.

Since the 1977 implementation of the basin management plan, requests for new surface water and interconnected ground water permits have been denied in the closed areas.

Yet, ground water uses exempt from the permitting process have continued. Although each of the exempt ground water uses is relatively small, the cumulative impact of several wells can be felt in these lakes and streams where water is limited.

From a hydrogeological standpoint, the closed areas are dependent upon ground water discharge during extended periods of each year, especially in late summer and fall. During seasons of little or no rain and snowmelt, the aquifer recharge to the stream is the only source of streamflow and junior water uses are restricted in order to satisfy senior water rights. Some of these basins require restriction of junior water uses almost yearly. This occurs because ground water withdrawals can diminish the water available in the aquifers which sustain stream flow. (Technical reports on the Hydrology and Geology of the each closed area are available from Ecology.)

In addition to the physical setting, an increase in the amount of ground water use contributes to the problem these areas face. The number of well reports received from well drillers indicates that well construction has continued in the closed areas since 1977. Because there is no permitting or approval process required before construction of exempt wells, it is difficult to track and manage use of ground water supplies.

CLOSED AREAS		
Wolf Creek	Black Canyon Creek	Alta Lake
Thompson Creek	McFarland Creek	Black Lake
Texas Creek	Gold Creek	Black Pine Lake
Beaver Creek	Middle Oval Lake	Crater Lake
Squaw Creek	North Lake	Davis Lake
Cow Creek	Patterson Lake	Eagle Lake
French Creek	Pearrygin Lake	French Lake
Bear Creek/Davis Lake	Slate Lake	Libby Lake
Benson Creek	Sunrise Lake	Louise Lake
Libby Creek	Upper Eagle Lake	
Alder Creek	West Oval Lake	

All ground water sources connected to these lakes and streams will require a case-by-case analysis under the proposed rule.

## The Proposed Rule

Ecology is proposing an amendment to the 1976 Methow basin rules that would require the agency's advance approval of all proposed wells in areas closed to surface water withdrawals. Each proposed well that is exempt from permitting would be evaluated on a case-by-case basis. In cases where the proposed ground water use would not have an adverse effect on senior water rights or stream flows in the critical water supply areas, well construction would be approved. In many cases, this may require that wells be drilled into bedrock (solid underlying rock) and shielded by casing to prevent the capture of water from shallow water bearing zones that are connected with surface water.

Since February's establishment of these procedures through emergency rule, Ecology has received over 70 requests for approval. Each of these requests were approved, most with conditions to protect surface water. To date, this process has worked smoothly and has not resulted in unreasonable delays for well drilling.

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The four **methods of approval** for ground water use under the proposed rule are:

**Method #1**

Water use is authorized under a valid water right permit or certificate. For community residential use, a valid water right must be held by the owner or operator of an approved water system which is in compliance with state drinking water regulations;

**Method #2**

Water use has been approved by Ecology as a result of the transfer of a valid water right;

**Method #3**

An existing well associated with a valid water right or a historically established exempt domestic water supply is being modified or replaced; or

**Method #4**

A new domestic ground water supply which is exempt and is not hydraulically connected to closed surface water sources will be used.

**Written approval must be obtained from Ecology prior to pursuing any of these methods.**

The proposed amendment would:

- Allow property owners to construct a well in all cases where proposed water withdrawals would not adversely affect surface waters of lakes and streams closed in 1976;
- Create a water management tool by establishing a written record and a mechanism to obtain prior approval of new wells in the restricted areas; and
- Create a mechanism for preventing construction of wells that could negatively impact existing water rights within critical water supply areas.
- Minimize the threat of enforcement for owners of exempt wells by having a written record which establishes authority for their well construction.

## **Approval Process For Homeowners**

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A process has been jointly developed by Ecology and Okanogan County Planning to assist property owners in determining whether their development plans are affected by the proposed rule and to help them meet requirements for the four methods described above.

Maps describing the boundaries of the closed areas have been prepared and are on file at the Okanogan County Planning Department and Ecology's Central Regional Office. Where properties lie near a boundary line, Ecology will determine whether the property lies within one of the critical water supply areas. If the property falls within an area closed to surface water withdrawals, a well cannot be constructed until written authorization to drill is obtained from Ecology. Okanogan County will not issue a building permit until Ecology issues a verification of legal water supply.

*A property owner's guide to the review and approval process* has been created and distributed to Okanogan County Planning, local real estate agents, and well drillers. Copies are also available at Ecology's Central Regional Office in Yakima.

Forms have been created that assist property owners in providing the necessary information. These forms are also available from Ecology or from Okanogan County Planning. To prevent confusion and misunderstandings, all information provided by the applicant and responses by Ecology are in writing. Determinations may be appealed, and would be subject to review by the Washington State Pollution Control Hearings Board.

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In regards to processing time, implementation of this process is independent of the normal water right permitting process, and responses to written inquiries and application forms have been processed in about one month since adoption of the emergency rule. The process takes longer if a field inspection is required to complete a determination. Only method number two, the transfer of a valid water right, requires that an application for change of water right be filed. The timing of a water right transfer will be affected by the water right application backlog.

With a little advance planning and preparation by the applicant, the process developed for implementation of this rule is straightforward and efficient. Except where an application for change of water is required, no fees are associated with this process.

### **Public Workshops, Hearing Scheduled**

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Ecology will conduct two public workshops and a public hearing on the proposed rule. The schedule is as follows:

Twisp	Methow Valley Community Center Auditorium	Public Workshop (Open Discussion) Tuesday, September 24, 7:00 p.m.
Winthrop	The Barn	Public Workshop (Open Discussion) Wednesday, September 25, 6:00 p.m.
Winthrop	The Barn	Public Hearing (Public Comment) Wednesday, September 25, 7:00 p.m.

Persons unable to attend may comment in writing by **October 18, 1991**. Please send written comments to: Roger von Gohren, Department of Ecology, MS: PV-11, Olympia, Washington 98504.

### **For More Information**

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Darlene Frye  
Department of Ecology  
3801 W. Washington  
Yakima, Washington 98903-1164  
(509) 575-2800.

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**GUIDELINES FOR NEW DOMESTIC WATER SUPPLY  
DEVELOPMENT WITHIN THE METHOW RIVER BASIN**

**PROPERTY OWNER'S GUIDE**

March 5, 1991

Emergency Rule AO#: 91-07 closes the streams and lakes listed in the Methow River Basin Plan in Sections 173-548-050(a) and (b) of the Washington Administrative Code (WAC) to further consumptive appropriation of surface waters and connected ground waters. The closed stream subbasins include Alder Creek, Bear Creek (Davis Lake), Beaver Creek, Benson Creek, Black Canyon Creek, Cow Creek, French Creek, Gold Creek, Libby Creek, McFarland Creek, Squaw Creek, Texas Creek, Thompson Creek and Wolf Creek. The closed lake subbasins include Alta Lake, Black Lake, Black Pine Lake, Crater Lake, Davis Lake, Eagle Lake, French Creek, Libby Lake, Louis Lake, Middle Oval Lake, North Lake, Patterson Lake, Pearrygin Lake, Slate Lake, Sunrise Lake, Upper Eagle Lake, and West Oval Lake.

This emergency rule states that water is not legally available for further development, even small ground water developments that are exempt from permit requirements under Chapter 90.44.050 of the Revised Code of Washington (RCW), unless certain specific conditions are met. In order to determine if property falls within one of these subbasins and/or to determine how these conditions can be met, the following guidelines are provided:

1. Determining whether a piece of property falls within one of the subbasins closed in amended WAC 173-548-050.

The Department of Ecology (Ecology) has provided Okanogan County with maps that outline the boundaries of the closed subbasins. If after consulting these maps an accurate determination cannot be made, Ecology will make the determination as to whether the property falls within a closed subbasin. The request for determination shall be made in writing and shall include a complete legal description of the property, with the proposed well location identified, along with the name, address, and telephone number of the property owner requesting the determination. A form is available from Ecology or Okanogan County that may be used for this request.

Ecology will make a determination based on examination of topographic maps. In some cases, a field inspection may be necessary to make the final determination. Once a determination is made, the property owner will be notified in writing.

General inquiries and requests for forms can be made via telephone, however, requests for determination as to whether a property lies within the boundaries of one of the closed subbasins shall be in writing. Telephone inquiries and written requests should be directed to

Phil Crane of Ecology's Central Regional Office, 3601 W. Washington, Yakima, Washington 98903. (509) 575-2800.

2. New development is authorized by a valid water right recognized by Ecology.

To qualify for this condition, an owner's property must fall within the legal description of the property to be served under a valid, existing water right permit, certificate, or valid water right claim on file with Ecology. In addition, the new development must not expand the quantity of water authorized for use, the number of wells or water sources authorized, the number of dwellings to be serviced, and the other uses authorized under the water right. Ecology will make the determination whether the proposed development can be provided a legal water supply under the water right permit, certificate, or claim. A declaration of legal water supply and a copy of the water right will be provided to the property owner if a legal water supply exists. These documents will be required by the county in order to obtain a building permit. The county will also require group or community water systems to be in compliance with state drinking water regulations. If a new well is to be drilled, the well driller shall have a copy of the permit or water right change approval issued by Ecology on site before and during well construction. The Department of Ecology will send copies of the appropriate documents to the well driller selected by the property owner.

In order to request a determination of legal water supply under a valid water right, a written request must be filed and accompanied by a legal description of the property, a description of the proposed development, and identification of the water purveyor and/or water right involved. There is a form available from Ecology or Okanogan County that may be used for this purpose. Following an examination of state water right records and the information provided, Ecology will reply in writing. Documents required by the county and the well driller will be provided if a legal water supply is available under the water right permit. The determination process may take up to thirty (30) days to complete. Thus, planning in advance is recommended.

General inquiries and requests for forms may be made by telephone, however, requests for determination that development can occur under an existing water right permit, certificate, or claim shall be made in writing. Telephone inquiries and written requests should be directed to Howard Powell of Ecology's Central Regional Office, 3601 W. Washington, Yakima, Washington 98903, (509) 575-2800.

3. Development will occur as a result of a transfer of all or a portion of a valid state surface or ground water right approved in writing by the Department of Ecology.

Before purchasing or otherwise obtaining an existing water right to be transferred to the owner's property, or before transferring a water right from one property to another, property owners or perspective water users are advised to contact Ecology's Central Regional Office. All substantive changes to a water right (water source, place of use, purpose of use, location of diversion, etc.) require prior approval from Ecology in the form of a superseding permit or certificate or a certificate of change. Before making any investments, the property owner should obtain a general assessment of the apparent validity of the right to be transferred, and the likelihood that the desired transfer could be legally approved. Final and definitive determinations of validity of the right and its transferability can only be made after an application for change of water right has been filed with Ecology, and field and record research have been completed. The preliminary consultation, however, may prevent an individual from making an investment that will not provide a legal water supply for the proposed development.

An application for change of water right shall be filed, and written approval in the form of a report of examination shall be obtained, before any well construction or beneficial use of water is begun. The well driller will be required to have a copy of the transfer approval on site before well construction begins. The county will not issue a building permit until a copy of the water right change approval and letter of legal water supply under the transfer are provided. The appropriate documents will be provided by Ecology when the application for change of water right is approved. If a new well is to be constructed, the Department of Ecology will also send the appropriate documentation to the driller selected by the property owner.

Due to the backlog of applications on file, a decision regarding a filed application for change may take several years to complete. Property owners are advised to plan ahead if a transfer of a water right is anticipated as a means of obtaining a legal water supply.

Telephone inquiries, requests for applications, and written requests or completed applications for transfer of an existing water right should be referred to Howard Powell of Ecology's Central Regional Office of the Department of Ecology, 3601 W. Washington, Yakima, Washington 98903, (509) 575-2800.

4. New development associated with a well determined to not be in hydraulic continuity with surface waters listed as closed in Amended WAC 173-548-050 or from wells historically used under the permit exemption in Section 90.44.050 RCW.

Prior to beginning well construction in the closed basins, the property owner shall contact Ecology's Central Regional Office, in writing, requesting approval to construct a well that will not be in hydraulic continuity with surface waters (ground water to be withdrawn will not be connected to the surface water in the subbasin). The request shall include a legal description of the property on which the well is to be constructed, specific identification where the well will be located, and a description of the proposed water use. Upon review of the data, which may include a site inspection, Ecology shall provide the property owner with a description of acceptable well construction standards and methods of verification that the ground water withdrawn is not in continuity with the surface water. A copy of the written approval, with construction provisions, shall be provided by Ecology to the property owner and the well driller selected by the property owner. The well driller shall have a copy of the written approval on site during well construction. The property owner is advised to plan ahead when requesting an approval to drill a well as the review process may take thirty (30) or more days to complete depending on whether a field inspection is necessary.

Following completion of construction, the property owner or well driller shall provide Ecology with a copy of the well report and other verification of proper well construction specified in the approval letter. When the property owner and/or well driller have proven to the satisfaction of Ecology that no continuity exists between the ground water withdrawn by the well and the closed surface water, the department shall provide the property owner with a written statement that he/she has a legal source of water for the development proposed in the initial request letter. This letter and a copy of the well report will be required by the county in order to obtain a building permit.

If a well has already been constructed but a building permit has not yet been requested, the property owner shall contact Ecology requesting a statement of legal source of water. The property owner may be required to prove that the beneficial use of water under the exemption from permit requirements, Section 90.44.050 RCW, has been historically perfected without the presence of a dwelling or that no continuity with closed surface water sources exists. In order to prevent continuity with surface water, the applicant may be required to modify the existing well or to construct a new well. The burden of proof that continuity does not exist will be the property owners. Requests to review existing well construction or historical use shall be made in writing and shall include a full legal description of the property, a copy of the well report, a detailed description of the well location, and any other supporting data required to verify historical use or lack of continuity. A statement of legal water supply shall be issued by Ecology if the existing well is determined to not be in hydraulic continuity, is repaired to prevent continuity, or has been historically put to the desired beneficial use without the presence of a constructed dwelling. The county will require a statement of legal water supply from the Ecology prior to granting a building permit. The property owner should plan in advance to obtain such a statement as the review process by

Ecology may take thirty (30) or more days to complete depending on whether a field inspection is necessary.

General inquiries or requests for forms may be made by telephone, however, requests to drill new wells or to grant already constructed wells a statement of legal water supply shall be made in writing. Inquiries and written requests should be directed to Tom Mackie of Ecology's Central Regional Office, 3601 W. Washington, Yakima, Washington 98903, (509) 575-2800.

5. Replacement or repair of an existing well is desired.

Prior to beginning well construction or repair, Ecology's Central Regional Office shall be notified in writing. The letter shall include a full legal description of the property on which the well is to be replaced or repaired, a description of the water uses from the well, a definition of the water right which authorizes the well, a description of well construction as it is known to the owner, and a summary of the proposed construction and future use of the well. A form may be obtained from Ecology or Okanogan County for this purpose. The name of the well driller chosen shall be provided to Ecology when determined but prior to beginning well construction. Well construction or repair shall not begin until written approval to proceed has been obtained from Ecology. The property owner should plan in advance to obtain this authorization as the process may take up to thirty (30) days to complete. Requests for emergency replacement of in-house domestic supply wells will be expedited as appropriate.

General inquiries and requests for forms may be made by telephone, however, requests to repair or replace existing wells shall be made in writing. Telephone inquiries and written requests should be directed to Tom Mackie of Ecology's Central Regional Office, 3601 W. Washington, Yakima, Washington 98903, (509) 575-2800.

THE PHYSICAL PRESENCE OF WATER IN A WELL DOES NOT MEAN THAT WATER IS LEGALLY AVAILABLE FOR APPROPRIATION. DEVELOPMENT BASED SOLELY ON THE PHYSICAL PRESENCE OF WATER MAY BE REGULATED OR RESTRICTED IN THE FUTURE TO PROTECT SENIOR RIGHTS OR INSTREAM FLOWS.

THE CONSTRUCTION OF A WELL OR THE UNAUTHORIZED USE OF AN EXISTING WELL LOCATED WITHIN THE SUBBASINS CLOSED IN WAC 173-548-050 WITHOUT PRIOR WRITTEN APPROVAL FROM THE DEPARTMENT OF ECOLOGY, OR THE FAILURE TO COMPLY WITH THE PROVISIONS OUTLINED ABOVE, MAY RESULT IN REGULATORY ACTION, INCLUDING ASSESSMENT OF PENALTIES, TAKEN AGAINST THE WELL DRILLER AND/OR PROPERTY OWNER.



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

September 17, 1991

TO: Interested Persons

The Department of Ecology has scheduled public workshops and a public hearing on a proposed rule that would continue the ground water restrictions placed on critical water supply areas earlier this year as a result of an emergency rule. The surface water and interconnected ground water of these critical water supply areas have been closed to appropriations since 1977. However, owners of new water wells for use 5,000 gallons of ground water per day or less for most purposes are not required to obtain a water right permit, and development of such use is, therefore, difficult to monitor.

Under the proposed rule, Ecology would manage these critical water supply areas by approving well construction in the closed areas only for persons who can show proof that water is legally available. Legally available water is water that can be appropriated without impairing existing water rights or stream flows.

A copy of the draft regulation is enclosed. Detailed background informational materials on the proposed rule will be available beginning Tuesday, September 17, 1991, at the Winthrop Public Library and town halls of Twisp and Winthrop and at Ecology's Central Regional Office in Yakima.

The schedule for the workshops and hearing is as follows:

Tuesday, September 24 Public Workshop (Open Discussion)  
Methow Valley Community Center  
Auditorium  
Twisp, Washington  
7:00 p.m.

Wednesday, September 25 Public Workshop (Open Discussion)  
The Barn  
Winthrop, Washington  
6:00 p.m.

Public Hearing (Public comments on  
Proposed Rule)  
The Barn  
Winthrop, Washington  
7:00 p.m.

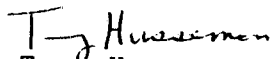


Interested Persons  
September 13, 1991  
Page 2

If you are unable to attend, you may comment in writing by October 18, 1991. Please send written comments to: Roger von Gohren, Department of Ecology, Mail Stop PV-11, Olympia, Washington 98504 or FAX (206) 459-6995. For more information contact Darlene Frye, Department of Ecology, 3801 W. Washington, Yakima, Washington 98903-1164 or (509) 575-2800. You may request copies of the materials from either office location.

Thank you for your interest in water resource issues in the Methow River basin.

Sincerely,

  
Terry Husseman  
Assistant Director  
Water and Shorelands

TH:RvG:jf  
Enclosure



costs, if any will arise from those strategies once they are developed.

Hearing Location: July 11, 1991, at 7:00 p.m., Yakima County Courthouse, 128 North 2nd Street, Room 420, Yakima, WA; and on July 18, 1991, at 7:00 p.m., Port of Seattle, Pier 66, 2201 Alaskan Way, 3rd Floor Conference Room, Seattle, WA.

Submit Written Comments to: Ellen Wolfhagen, Department of Ecology, Water Resources Program, Mailstop PV-11, Baran Hall, Olympia, Washington 98504-8711, by 5:00 p.m., on July 25, 1991.

Date of Intended Adoption: August 20, 1991.

June 4, 1991  
Fred Olson  
Deputy Director

#### NEW SECTION

**WAC 173-500-080 CRITICAL WATER RESOURCE SITUATION RESPONSE PROCESS.** In areas subject to the department of Ecology's jurisdiction, where there may be current or anticipated critical water resource or related water quality concerns, the local government(s), the state or the affected federally recognized tribe(s) may request that representatives from all three governmental entities and, as needed, appropriate federal agencies agree to the designation of the area as a critical water resource situation. All represented parties must agree to the designation. Upon designation, an intergovernmental group will be convened.

The purpose of the intergovernmental group is to cooperatively design a consultation strategy to address the problem(s) which triggered this critical situation response process.

The legal rights and remedies available to the three governmental entities shall not be compromised or abridged by participation in the critical situation response process. However, all of the parties agree to undertake a good faith effort to resolve the critical water resource situation without first resorting to legal action.

When the intergovernmental group determines that a critical water resource situation exists or requires further evaluation or data collection, the parties will consider applying those tools necessary to protect the resources. These tools must be exercised within 12 months or as otherwise agreed to by the parties, and include, but are not limited to: targeted conservation, efficiency, re-use; compliance and enforcement; dispute resolution assistance, Memoranda of Understanding and other agreements; local government restrictions on permit issuance or moratoria; basin withdrawal by adoption of administrative regulations under RCW 90.54.050 or limited state permit issuance.

**WSR 91-12-039**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Order 91-27—Filed June 4, 1991, 3:48 p.m.]

Original Notice.

Title of Rule: Chapter 173-548 WAC, Water resources program in the Methow River Basin, WRIA 48 (WAC 173-548-050 Streams and lakes closed to further consumptive appropriation); and chapter 173-160 WAC, Minimum standards for construction and maintenance of wells (WAC 173-160-040 Permits).

Purpose: This rule further restricts well drilling and establishment of new water uses in subbasins which were closed to further appropriation with the adoption in 1976 of chapter 173-548 WAC.

Statutory Authority for Adoption: Chapters 18.104, 34.05, 90.54, 90.03, and 90.44 RCW.

Statute Being Implemented: Chapter 90.54 RCW.

Summary: This rule amends chapter 173-548 WAC, Methow basin water resources regulation, extending closure to ground water hydraulically connected to surface water which were closed to appropriation in 1977.

Reasons Supporting Proposal: Chapter 173-160 WAC, Minimum standards for construction and maintenance of wells, is also amended to notify well drillers that no wells shall be constructed in the subbasins listed as closed in the Methow water resources regulation, including those exempt from permitting under RCW 90.44.050, unless written approval obtained.

Name of Agency Personnel Responsible for Drafting: Cynthia Nelson, Department of Ecology, Mailstop PV-11, Olympia, 98504, (206) 459-6116; Implementation and Enforcement: Darlene Frye, 3601 West Washington, Yakima, WA 98903-1164, (509) 457-7123.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The department has determined based on existing information that there are no surface waters or hydraulically connected ground waters available for appropriation in subbasins closed in the 1977 regulation. The department has identified these subbasins as requiring intensive control of ground water withdrawals. Well drilling and establishment of new water uses is further restricted. Specific situations in which wells may be approved are identified in the rule. (Chapter 173-548 WAC.) Chapter 173-160 WAC is also amended to notify well drillers that no wells shall be constructed in the subbasins listed as closed in the Methow water resources regulation, including those exempt from permitting under RCW 90.44.050, unless written approval has been obtained from the department prior to construction.

Proposal Changes the Following Existing Rules: The existing rules had partial year closures and some exceptions allowed. The proposed rule eliminates the original exceptions, replaces them with specific situations in which construction may be allowed, and extends the closures to year round. (Chapter 173-548 WAC.) The amendment to chapter 173-160 WAC notifies drillers of restrictions in the Methow closed subbasins.

#### **SMALL BUSINESS ECONOMIC IMPACT STATEMENT**

##### **Summary**

The proposed regulatory actions will not affect more than twenty percent of all industries or more than ten percent of the businesses in any one industry. Therefore, review and modification of the proposal is not required under chapter 19.85 RCW.

##### **Background**

Certain streams and lakes within the Methow River Basin were wholly or partially closed to further consumptive appropriation of water in 1977 when the water resources program for that basin was adopted. Some closures were for less than the entire year, and others provided exceptions for certain uses—primarily single domestic water supply and stock watering.

The current proposal converts part-year closures to a full year basis, removes use exceptions, and extends closure to further consumptive appropriation to ground waters that are hydraulically connected to the affected streams and lakes. New wells may be drilled within these areas only when: The proponent has a valid water right permit, the proponent has obtained a valid surface or ground water right permit through a transfer recognized and approved by the Department of Ecology, the proponent is replacing or modifying, with written approval from the department, a well exempt from permit requirements under RCW 90.44.050, or the ground water being sought for withdrawal has been determined not to be hydraulically connected with closed surface waters.

The proposal also requires that written approval be obtained from the Department of Ecology before drilling or constructing a well in the closed areas that would otherwise be exempt from permit requirements (i.e., withdraws 5,000 gallons per day or less for domestic use, stock water, industrial use or irrigation of one half acre or less of private lawn or garden).

#### Impact Analysis

This proposed regulatory action will not affect holders of existing water rights or existing wells within the covered subbasins. Rather, its impacts will fall upon future water-using development to the extent that one of the exceptions described previously does not apply. Given recent and current development patterns within the Methow River Basin, the bulk of this activity would most likely be residential development—either in the form of permanent homes or as resort/vacation/recreation facilities. Thus, the businesses and industries most likely to be affected would be those involved in the development of property, construction, and the financing and sale of such properties. For purposes of this analysis, the affected "population" of businesses was taken to be those located within or operating in Okanogan County.

As an initial step, information was gathered concerning the number of such businesses from the latest available information from the Washington State Departments of Revenue and Employment Security and from the United States Census Bureau publication *County Business Patterns*. Supplementary information came from directory listings in Okanogan County telephone books. The information collection process focused on identification of the number of firms within each of the three-digit subclasses of the construction and related trades industries (SIC 15-17) and the finance, insurance and real estate industries (SIC 60-67). There was no case in which more than ten percent of the firms in any of these industries were located within or showed evidence of operating within Okanogan County.

Hearing Location: Winthrop Barn, Winthrop, Washington, on August 15, 1991, at 7:00 p.m.

Submit Written Comments to: Cynthia Nelson, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by August 23, 1991.

Date of Intended Adoption: October 1, 1991.

June 4, 1991  
Fred Olson  
Deputy Director

#### AMENDATORY SECTION (Amending Order DE 76-37, filed 12/28/76)

WAC 173-548-050 STREAMS AND LAKES CLOSED TO FURTHER CONSUMPTIVE APPROPRIATIONS. The department, having determined based on existing information that there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the ((following)) streams and lakes listed in (a) and (b), and ground water hydraulically connected with these surface waters to further consumptive appropriation ((for the periods indicated, with exceptions as noted:)) This includes rights to use water consumptively established through permit procedures and ground water withdrawals otherwise exempted from permit under Chapter 90.44.050 RCW. Specific situations in which well construction may be approved are identified.

No wells shall be constructed for any purposes, including those exempt from permitting under RCW 90.44.050, unless one or more of the following conditions have been met and construction of the well has been approved in writing by the department prior to the beginning of well construction:

(1) The proponent has a valid water right permit recognized by the department. For an existing community domestic use, a water right permit must be held by a purveyor of an approved system. (For the purposes of this chapter, an approved water system is one in compliance with the state Drinking Water Regulations, Chapter 246-290 WAC and the state Surface and Ground Water Codes, Chapters 90.03 and 90.44 RCW); or

(2) The proponent has obtained a valid state surface or ground water right through a transfer approved by the department under the statutory authority of Chapter 90.03 RCW or Chapter 90.44 RCW; or

(3) The proponent is replacing or modifying an existing well developed under the exemption from permit clause of RCW 90.44.050 and this has been approved in writing by the department; or

(4) If the ground water being sought for withdrawal has been determined by the department not to be hydraulically connected with surface waters listed as closed, the department may approve a withdrawal. When insufficient evidence is available to the department to make a determination that ground and surface waters are not hydraulically connected, the department shall not approve the withdrawal of ground water unless the person proposing to withdraw the ground water provides additional information sufficient for the department to determine that hydraulic continuity does not exist and that water is available.

#### (a) STREAM CLOSURES

The following streams are closed all year, including all ground waters hydraulically connected to these streams.

Stream Name (Includes Tributaries)	((Affected Reach ————— Period Closure))
Wolf Creek	((Mouth to Headwaters — Closed all year <sup>aa</sup> ))
Bear Creek (Davis Lake)	(( — Closed all year ))
Thompson Creek	(( — Closed all year <sup>aa</sup> ))
Beaver Creek	(( — Closed May 1 to Oct. 1 <sup>aa</sup> ))
Alder Creek	(( — Closed all year ))
Benson Creek	(( — Closed all year <sup>aa</sup> ))
Texas Creek	(( — Closed all year ))
Libby Creek	(( — Closed May 1 to Oct. 1 <sup>aa</sup> ))
Cow Creek	(( — Closed May 1 to Oct. 1 ))
Gold Creek	(( — Closed May 1 to Oct. 1 <sup>aa</sup> ))
McFarland Creek	(( — Closed May 1 to Oct. 1 ))
Squaw Creek	(( — Closed May 1 to Oct. 1 ))
Black Canyon Creek	(( — Closed May 1 to Oct. 1 ))
French Creek	(( — Closed May 1 to Oct. 1 <sup>aa</sup> ))

<sup>a</sup>Exception for single domestic and stock water.

<sup>aa</sup>Exception for water developed solely from added storage capacity within the basin.))

#### (b) LAKE CLOSURES

((All lakes not listed below are restricted to rights to divert water for single domestic and stock watering purposes only, as appropriate:)) The following lakes are closed all year, including all ground waters hydraulically connected to these lakes:

Name	Location
Alta Lake	3 mi. SW of Pateros
Black Lake	25 mi. N of Winthrop

Name	Location
Black Pine Lake	9 mi. SW of Twisp
Crater Lake	10 mi. W of Carlton
Davis Lake	Bear Creek Drainage
Eagle Lake	11 mi. SW of Carlton
French Creek	Sec.28, T.31N., R.23E.
Libby Lake	10 mi. W of Carlton
<del>((Louis))</del> Louis Lake	20 mi. W of Winthrop
Middle Oval Lake	16 mi. W of Carlton
North Lake	20 mi. W of Winthrop
Patterson Lake	Sec.8, T.34N., R.21E.
Pearrygin Lake	Sec.36, T.35N., R.21E.
Slate Lake	14 mi. W of Winthrop
Sunrise Lake	16 mi. W of Methow
Upper Eagle Lake	12 mi. W of Carlton
West Oval Lake	16 mi. W of Carlton

~~((The development of future impoundments creating new lakes is provided for under WAC 173-548-050(a).))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-160-040 PERMIT. As provided in RCW 90.44.050, no well shall be constructed if a withdrawal of more than five thousand gallons a day or irrigation of more than one-half acre of noncommercial lawn and garden is contemplated, unless an application to appropriate such waters has been made to the department and a permit has been granted.

As provided in WAC 173-548-050, no wells shall be constructed for any purposes in subbasins closed in the Methow water resources regulation, including those exempt from permitting under RCW 90.44.050, unless written approval has been obtained from the department prior to beginning well construction.

#### WSR 91-12-040 PERMANENT RULES DEPARTMENT OF ECOLOGY [Order 91-30—Filed June 4, 1991, 3:54 p.m.]

Date of Adoption: June 4, 1991.

Purpose: To amend WAC 173-300-070(2) to read:  
Inspectors shall be ~~((subject to the same))~~ exempt from all certification fees ~~((as a facility operator))~~.

Citation of Existing Rules Affected by this Order:  
Amending WAC 173-300-070(2).

Statutory Authority for Adoption: Chapter 70.95D RCW.

Pursuant to notice filed as WSR 91-09-053 on April 16, 1991.

Effective Date of Rule: Thirty-one days after filing.

June 4, 1991  
Fred Olson  
Deputy Director

#### AMENDATORY SECTION (Amending WSR 91-01-093, filed 12/18/90, effective 1/1/91)

WAC 173-300-070 CERTIFICATION OF INSPECTORS. (1) Any person who is employed by a public agency to inspect the operation of a landfill or incinerator described under this chapter to determine the compliance of the facility with state or local laws or

rules shall receive, in addition to the successful completion of the training and examination process as an operator under this chapter, training relevant to the inspection procedure.

(2) Inspectors shall be ~~((subject to the same))~~ exempt from all certification fees ~~((as a facility operator))~~.

#### WSR 91-12-041 EMERGENCY RULES DEPARTMENT OF ECOLOGY [Order 91-37—Filed June 4, 1991, 3:57 p.m.]

Date of Adoption: June 4, 1991.

Purpose: This emergency rule amends WAC 173-548-050 and 173-160-040 to further restrict well drilling and establishment of new water uses in subbasins which were closed to further appropriation with the adoption in 1976 of chapter 173-548 WAC.

Citation of Existing Rules Affected by this Order:  
Amending chapters 173-548 and 173-160 WAC.

Statutory Authority for Adoption: Chapters 34.05, 90.54, 18.104, 90.03, and 90.44 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The department has determined based on existing information that there are no surface waters or hydraulically connected ground water available for appropriation in subbasins closed in the 1977 regulation. The department has identified these subbasins as requiring intensive control of ground water withdrawals. Specific situations in which wells may be approved are identified.

Effective Date of Rule: Immediately.

June 4, 1991  
Fred Olson  
Deputy Director

#### AMENDATORY SECTION (Amending Order DE 76-37, filed 12/28/76)

WAC 173-548-050 STREAMS AND LAKES CLOSED TO FURTHER CONSUMPTIVE APPROPRIATIONS. The department, having determined based on existing information that there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the ~~((following))~~ streams and lakes listed in (a) and (b), and ground water hydraulically connected with these surface waters to further consumptive appropriation ~~((for the periods indicated, with exceptions as noted.))~~ This includes rights to use water consumptively established

## WSR 91-15-103

## Washington State Register, Issue 91-15

~~(5) State parks shall notify owners or operators of marinas, boat launches and destination sites of the availability of funding to support installation of appropriate sewage pumpouts or sewage dump stations. State parks shall also notify such operators or owners of which waters of the state have been designated as environmentally sensitive or polluted for the purpose of this program.)) Contracts entered into with the commission shall be under the guidelines of RCW 88.36.050 and this chapter. Each contract shall include but not be limited to the following provisions:~~

- ~~(1) Term and acceptance of contract.~~
- ~~(2) Scope of project and maximum project costs.~~
- ~~(3) Maximum project costs and budget adjustments.~~
- ~~(4) Design and construction.~~
- ~~(5) Reimbursement.~~
- ~~(6) Governing law.~~
- ~~(7) Severability.~~
- ~~(8) Dispute resolution.~~
- ~~(9) Negotiation period.~~
- ~~(10) Termination.~~
- ~~(11) Survival.~~
- ~~(12) Ownership.~~

**AMENDATORY SECTION** (Amending WSR 90-10-052, filed 4/30/90, effective 5/31/90)

**WAC 352-75-090 ((GENERAL CONTRACT REQUIREMENTS)) SPILL REPORTING AND CLEANUP.** ((Contracts entered into with the commission shall include the following terms:

~~(1) Eligible costs, as deemed reasonable by the commission, may be reimbursed. Eligible costs include purchase, installation, or major renovation of the sewage pumpout or sewage dump stations, including sewer, water, electrical connections, and those costs attendant to the purchase, installation, and other necessary appurtenances, such as required pier space, as determined by state parks.~~

~~(2) For privately owned marinas, boat launches, or boater destination sites ownership of the sewage pumpout or sewage dump station will be retained by the commission. For publicly owned marinas, boat launches, or boater destination sites ownership of the sewage pumpout or sewage dump station will be retained by the public entity.~~

~~(3) Operation, normal and expected maintenance, and ongoing utility costs will be the responsibility of the marina, boat launch, or boater destination site owner.~~

~~(4) The marina, boat launch, or boater destination site owner agrees to allow the installation, existence, and use of the sewage pumpout or sewage dump station by granting an easement at no cost for such purposes.~~

~~(5) Contracts awarded shall be subject to the following conditions for a period of at least ten years:~~

~~(a) That the applicant allow the boating public access to the sewage pumpout or sewage dump station during marina operating hours;~~

~~(b) That the applicant agree to monitor the use of sewage pumpout and/or sewage dump station by installing a use counter mechanism;~~

~~(c) That the applicant agree to encourage the use of the sewage pumpout or sewage dump station by installing a "pumpout station" and/or "dump station" sign, and an instruction decal developed or approved by state parks, and by providing instruction in proper use to any one requesting assistance;~~

~~(d) That the applicant agree to cooperate in any related boater environmental education program administered or approved by state parks. Such educational programs will include but not be limited to distribution of brochures developed or approved by state parks, and installation of interpretive signage developed or approved by state parks;~~

~~(e) That the applicant agree not to charge a fee for the use of the sewage pumpout or sewage dump station;~~

~~(f) That the applicant agree to arrange and pay a reasonable fee for a periodic inspection of the sewage pumpout facility by the local health department or appropriate authority. The local health department or appropriate authority will set the fee and the interval of inspection; and~~

~~(g) That the funding recipient agrees to allow State Parks access to inspect the pumpout facility.)) In the event that materials from the boat sewage pumpout and dump station spill in the marina, boat launch, or boat destination areas, the financial recipient shall promptly commence and complete cleanup of the area and shall notify state parks within forty-eight hours of any spill which is otherwise required to be reported to any federal, state, or local regulatory agency.~~

## WSR 91-15-104

## PROPOSED RULES

## DEPARTMENT OF ECOLOGY

[Order 91-27—Filed July 24, 1991, 1:59 p.m.]

Continuance of WSR 91-12-039.

Title of Rule: Chapter 173-548 WAC, Water resources program in the Methow River Basin, WRIA 48 (WAC 173-548-050 Streams and lakes closed to further consumptive appropriation); and chapter 173-160 WAC, Minimum standards for construction and maintenance of wells (WAC 173-160-040 Permits).

Purpose: This rule further restricts well drilling and establishment of new water uses in subbasins which were closed to further appropriation with the adoption in 1976 of chapter 173-548 WAC.

Statutory Authority for Adoption: Chapters 18.104, 34.05, 90.54, 90.03, and 90.44 RCW.

Statute Being Implemented: Chapter 90.54 RCW.

Summary: This rule amends chapter 173-548 WAC, Methow basin water regulations, extending closure to ground waters hydraulically connected to surface waters closed to appropriation in 1977.

Reasons Supporting Proposal: Chapter 173-160 WAC, Minimum standards for construction and maintenance of wells, is also amended to notify well drillers that no wells shall be constructed in the subbasins listed

## Washington State Register, Issue 91-15

WSR 91-15-107

as closed in the Methow water resources regulation, including those exempt from permitting under RCW 90.44.050, unless written approval obtained.

Name of Agency Personnel Responsible for Drafting: Cynthia Nelson, Department of Ecology, Mailstop PV-11, Olympia, 98504, (206) 459-6116; Implementation and Enforcement: Darlene Frye, 13601 West Washington, Yakima, WA 98903-1164, (509) 457-7123.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The department has determined based on existing information that there are no surface waters or hydraulically connected ground waters available for appropriation in subbasins closed in the 1977 regulation. The department has identified these subbasins as requiring intensive control of ground water withdrawals. Well drilling and establishment of new water uses is further restricted. Specific situations in which wells may be approved are identified in the rule, chapter 173-548 WAC. Chapter 173-160 WAC is also amended to notify well drillers that no wells shall be constructed in the subbasins listed as closed in the Methow water resources regulation, including those exempt from permitting under RCW 90.44.050, unless written approval has been obtained from the department prior to construction.

Proposal Changes the Following Existing Rules: The existing rules had partial year closures and some exceptions allowed. The proposed rule eliminates the original exceptions, replaces them with specific situations in which construction may be allowed, and extends the closures to year round, chapter 173-548 WAC. The amendment to chapter 173-160 WAC notifies drillers of restrictions in the Methow closed subbasins.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

A small business economic impact statement was attached with the original filing with the code revisor on June 4, 1991.

Hearing Location: Winthrop Barn, Winthrop, Washington, on September 25, 1991, at 7:00 p.m.

Submit Written Comments to: Cynthia Nelson, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by October 3, 1991.

Date of Intended Adoption: November 1, 1991.

July 22, 1991  
Fred Olson  
Deputy Director

## WSR 91-15-105

## PREPROPOSAL COMMENTS

## DEPARTMENT OF ECOLOGY

[Order 91-44—Filed July 24, 1991, 2:03 p.m.]

Subject of Possible Rule Making: Rules are being drafted to amend the dangerous waste regulations, chapter 173-303 WAC. These regulations contain state

and federal requirements for those who generate, transport, treat, store, dispose or otherwise manage hazardous wastes. Examples of issues to be addressed are: Land disposal restrictions, transportation of used oil, siting criteria, and spills reporting.

Persons may comment on this subject in writing. Ty Thomas, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by October 31, 1991.

Other Information or Comments by Agency at this Time, if any: The state dangerous waste regulations, chapter 173-303 WAC, need to be updated periodically to keep us to date with changes at the federal level as required by the Resource Conservation and Recovery Act (RCRA), as well as to incorporate Washington's specific concerns.

July 16, 1991  
Fred Olson  
Deputy Director

## WSR 91-15-106

## PREPROPOSAL COMMENTS

## DEPARTMENT OF ECOLOGY

[Order 91-45—Filed July 24, 1991, 2:06 p.m.]

Subject of Possible Rule Making: Amending chapter 173-224 WAC, Wastewater discharge permit fees.

Persons may comment on this subject in writing. Department of Ecology, Attn: Bev Poston, Mailstop PV-11, Olympia, 98504-8711, all comments must be received by 5:00 p.m. on November 7, 1991.

July 11, 1991  
Fred Olson  
Deputy Director

## WSR 91-15-107

## PROPOSED RULES

DEPARTMENT OF  
NATURAL RESOURCES

[Filed July 24, 1991, 2:12 p.m.]

Original Notice.

Title of Rule: Chapter 332-24 WAC, Forest protection.

Purpose: To make current parts of the rule that are outdated, and to tighten the requirements for burning permits.

Statutory Authority for Adoption: RCW 76.04.015.

Statute Being Implemented: RCW 76.04.015.

Summary: This rule combines all fire related rules into one chapter, provides for more stringent requirements to burn debris, updates the language used, and eliminates special provisions for burn barrels.

Reasons Supporting Proposal: The primary cause of wildfire in Washington is debris burning. Tightening the restrictions should reduce the number of escaped burns.

Name of Agency Personnel Responsible for Drafting and Implementation: Loy Jones, Rowsix, Lacey, (206)

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and its caption, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-710(1) and each of the captions must be exactly one of those described in WAC 315-11-710(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

### NEW SECTION

WAC 315-11-720 DEFINITIONS FOR INSTANT GAME NUMBER 72 ("MOOLAH MOOLAH") (1) Play symbols: The following are the "play symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$8.00"; "\$40.00"; "\$5,000"; and ". One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 72, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$8.00	EGT DOL
\$40.00	\$FORTY\$
\$5,000	FIVTHOU
	COW

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered with latex.

(4) Pack-ticket number: The eleven-digit number of the form 07200001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 72 constitute the "pack number" which starts at 07200001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 72, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00 (\$2; \$1 and \$1)
FOR	\$4.00 (\$2 and \$2)
EGT	\$8.00 (\$8; \$4 and \$4)
SXT	\$16.00 (\$8 and \$8)

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

### NEW SECTION

WAC 315-11-721 CRITERIA FOR INSTANT GAME NUMBER 72. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbols in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three	\$1.00 play symbols	- Win	\$1.00
Two	\$1.00 play symbols and one	- Win	\$2.00
Three	\$2.00 play symbols	- Win	\$2.00
Two	\$2.00 play symbols and one	- Win	\$4.00
Two	\$4.00 play symbols and one	- Win	\$8.00
Three	\$8.00 play symbols	- Win	\$8.00
Two	\$8.00 play symbols and one	- Win	\$16.00
Three	\$40.00 play symbols	- Win	\$40.00
Two	\$40.00 play symbols and one	- Win	\$80.00
Three	\$5000.00 play symbols	- Win	\$5000.00

(b) Only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 72 set forth in WAC 315-11-722, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 72; and/or

(b) Vary the number of tickets sold in Instant Game Number 72 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

### NEW SECTION

WAC 315-11-722 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 72. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 72 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the six play spots under the latex covering on the front of the ticket.

(b) Each of the six play symbols must have a caption below it, and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and its caption, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-720(1) and each of the captions must be exactly one of those described in WAC 315-11-720(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

### WSR 91-19-109

#### PROPOSED RULES

#### DEPARTMENT OF ECOLOGY

[Order 91-27—Filed September 18, 1991, 4:27 p.m.]

Continuance of WSR 91-15-104.

Title of Rule: Chapter 173-548 WAC. Water resources program in the Methow River Basin. WRIA 48 (WAC 173-548-050, Streams and lakes closed to further consumptive appropriation); and chapter 173-160

WAC, Minimum standards for construction and maintenance of wells (WAC 173-160-040, Permits).

Purpose: This notice changes the person to whom comments may be submitted and extends the comment cut off deadline from October 3, 1991, to October 18, 1991.

Hearing Location: Winthrop Barn, Winthrop, Washington, on September 25, 1991, at 7:00 p.m.

Submit Written Comments to: Roger von Gohren, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by October 18, 1991.

Date of Intended Adoption: November 1, 1991.

September 18, 1991

Fred Olson

Deputy Director

gan, police shot out lights that might have revealed the positions of SWAT teams.

Sandy, a community of about 80,000 people, is 15 miles south of Salt Lake City in southeastern Salt Lake Valley.

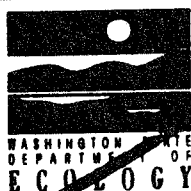
The Wenatchee World  
September 22, 1991

"resolving the issue of prisoners of war and missing in action is, and will continue to be, a matter of the highest national priority."

"We can never fully understand the painful doubts that the families live with every day. But we can assure you that we are partners in the quest for answers. We will miss no chance to achieve the fullest possible accounting for all our missing servicemen and civilians."

Ann Griffiths, executive director of the National League of Families of American Prisoners and Missing in Southeast Asia, said Vietnam, not the Pentagon, is to blame for failing to clear up MIA issues. "What the families are looking for is results, and that's what the people in the Pentagon are looking for too."

Rep. Stephen Solarz, D-N.Y., also speaking to the gathering, said Vietnam finally appears to realize that cooperation on the MIA issue is in its best interest and resolving the MIA issue "is no longer an illusive dream."



## MEETING NOTICE

Public Workshops and Hearing on  
Proposed Methow Rule—Restriction on  
Water Well Construction in Closed  
Lakes and Streams

### Emergency Rule Leads to Proposed Regulation

The Department of Ecology invites the public to attend public workshops and a public hearing this month on a proposed rule that would continue the ground water restrictions placed on the critical water supply areas earlier this year as a result of an emergency rule. The surface water and interconnected ground water of these critical water supply areas have been closed to appropriations since 1977. However, water wells that use 5,000 gallons of ground water per day or less are not required to obtain a water right permit, and are therefore difficult to manage.

Under the proposed rule, Ecology would manage these critical water supply areas by approving well construction in the closed areas only for persons who can show proof that legal water is available.

Detailed background informational materials on the proposed rule is available at the Winthrop Public Library and town halls of Twisp and Winthrop, and at Ecology's Central Regional Office in Yakima.

### The Schedule

#### Tuesday, September 24

Public Workshop (Open Discussion)  
Methow Valley Community Center  
Auditorium  
Twisp, WA  
7:00 p.m.

#### Wednesday, September 25

Public Workshop (Open Discussion)  
The Barn  
Winthrop, WA  
6:00 p.m.  
  
Public Hearing (No Discussion,  
Public Comment Only)  
The Barn  
Winthrop, WA  
7:00 p.m.

Persons unable to attend may comment in writing by October 18, 1991. Please send written comments to: Roger von Gohren, Department of Ecology, MS: PV-11, Olympia, Washington 98504. For more information contact Darlene Frye, Department of Ecology, 3801 W. Washington, Yakima, Washington 98903-1164. (509) 575-2800.



The Wenatchee World  
September 15, 1991

et

1.31 million at the same point Thursday. The Federal Reserve lowered the discount rate to 5.5 percent to 5 percent, putting the charge loans to private financial institutions at its lowest level in more than 18 years.

Many major banks followed with reductions in their prime lending rates from 8.5 percent to 8 percent.

The cuts came in response to signs of persistent economic weakness, as typified by the news that retail sales fell 0.7 percent in August. In addition, auto manufacturers reported weak new car sales for the early September selling period.

Open-market interest rates dropped in early trading, but later turned upward. And stock markets showed something less than unbridled enthusiasm over the news.

Analysts said the Fed's action had been easily anticipated for some time on the Street. In addition, they said, all the day's news tended to reinforce worries about the prospective strength of the economy's bid to stay out of the recession.

At the Big Board, Teltronix fell 4 to 24 in the aftermath of another earnings disappointment. The company, which makes electronic products for use in such fields as science, communications and computer graphics, said profits for latest fiscal quarter came to 33 cents a share, against 32 cents a share in the corresponding period a year ago.

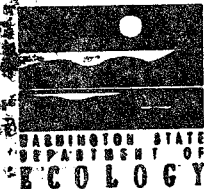
Blue chips contributing to the Dow Jones Industrials' decline included International Business Machines, down 1 1/2 at 102 3/4; General Electric, down 1 1/2 at 67 1/2; Philip Morris, down 1 at 72 1/2; Boeing, down 1 1/2 at 48 1/2; and Intel, down 2 at 128 1/2. In the auto group, Ford Motor lost 1/2 to 30 1/2; General Motors slipped 1/2 to 36 1/2; and Chrysler's down 1/2 at 11.

### Portland Grain

PORTLAND, Ore. (AP) — Bids at 12:30 p.m. PDT say for grains arrived at Portland for shipment by truck or barge, per bushel, except oats, corn, soy and sorghum, per cwt:

1 soft white wheat	3.99
1 white club wheat	4.61
2 corn domestic use	5.63
2 barley, unit trains and barges	4.65
2 barley delivered to inland areas	4.60
hard red winter wheat ordinary protein	3.65
soft protein	3.65
soft protein	3.67
soft protein	3.67
soft protein	3.73
dark northern spring wheat	

soft protein	3.64
soft protein	3.78
soft protein	3.80



## MEETING NOTICE

Public Workshops and Hearing on Proposed Methow Rule—Restriction on Water Well Construction in Closed Lakes and Streams

### Emergency Rule Leads to Proposed Regulation

The Department of Ecology invites the public to attend public workshops and a public hearing this month on a proposed rule that would continue the ground water restrictions placed on the critical water supply areas earlier this year as a result of an emergency rule. The surface water and interconnected ground water of these critical water supply areas have been closed to appropriations since 1977. However, water wells that use 5,000 gallons of ground water per day or less are not required to obtain a water right permit, and are therefore difficult to manage.

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First Federal Savings Bank Of Washington

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AMONG  
THE

a grand champion award for her hot peppers. Debbie Stennes of Methow won a grand champion award for her Anjou pears, and Kristen Hjorth of Brewster received a grand champion award for her green peppers. Donna Van Doren took a reserve champion ribbon for her Rome beauty apples, and Fritz Van Doren was awarded reserve champion for his Gala apples.

(Because the information supplied to the *Quad City Herald* did not include home towns, this list of winners may be incomplete. We apologize for any awards that may have been omitted.)

### Relatives gather

Many out-of-area relatives came to be with Jeanine Rana and Brian, Dr. Mickey and Charlotte Rana, Alyssa and Andrea, and Jeanine's mother Myrthful Buford following the sudden death of George Rana last week.

George and Jeanine's daughter Linda Lang, Lauren and Sydelle of South Lake Tahoe will stay for two weeks.

Also here were George's son Steve and Shelley Rana, Kenny, Nichole, Evette, Kimberly and Heidi of Lewiston, Idaho; his mother Mary Steig and sister Jewell and Wayne Lewis and son Russell, all of Ojai, California.

Jeanine's sisters were all here—Carolyn and Dale Ratzlaff of Applegate, California; Millie Waller, Denver, Colorado; Edie Hughes, Moorpark, California and Marie Meyer, Redlands, California.

Longtime friends Howard and Linda Rice of Cornelius, Oregon were also houseguests of Mickey and family.



Quad City Herald  
September 12, 1991

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## Meeting Notice

### Public Workshops and Hearing on Proposed Methow Rule-Restriction on Water Well Construction in Closed Lakes and Streams

#### Emergency Rule Leads To Proposed Regulation

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Detailed background informational materials on the proposed rule will be available beginning Tuesday, September 17, 1991, at the Winthrop Public Library and town halls of Twisp and Winthrop, and at Ecology's Central Regional office in Yakima.

#### The Schedule

Tuesday, September 24 - Public Workshop (open discussion), Methow Valley Community Center Auditorium, Twisp, WA, 7:00 p.m.

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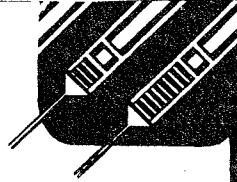


READ  
IT  
IN  
THE  
CLASSIFIEDS

**Quad City Herald**  
Brewster 689-2507

# at Community Medical Center

Quad City Herald  
September 19, 1991



WASHINGTON STATE  
DEPARTMENT OF  
ECOLOGY

## Meeting Notice

Public Workshops and Hearing on  
Proposed Methow Rule - Restriction on  
Water Well Construction in  
Closed Lakes and Streams

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2 Dr., Charcoal  
1980 Plymouth Horizon A/T,  
Fwd, 4 Dr., Red  
1979 Chrysler Lebaron 4 Dr.,  
Yellow  
1979 Buick LeSabre 4 Dr., Blue  
1978 Chrysler NY Rwd, 4 Dr.,  
Brown  
1978 Subaru 4x4, SW, Blue  
1978 Chrysler Cordoba  
T-Top Rwd, 2 Dr., White  
1978 Dodge Aspen Rwd, 2 Dr.,  
White  
1978 Chrysler Lebaron Cpe  
Rwd, 2 Dr., White  
1978 Chrysler Cordoba Fwd,  
2 Dr., Green  
1977 Plymouth Volare 2 Dr.,  
Brown  
1977 Plymouth Volare Rwd,  
4 Dr., Tan  
1976 Chrysler Cordoba Rwd,  
2 Dr., Cream  
1976 Mercury Marquis Rwd,  
4 Dr., Brown  
1975 Buick Apollo 4 Dr., Cream  
1975 Ford Torino Rwd, SW,  
Brown  
1975 Chevrolet Malibu Wagon  
Rwd, SW, White  
1974 Ford T-Bird Rwd, 2 Dr.,  
Blue  
1974 Buick Century Rwd, 2 Dr.,  
Red  
1973 Mercury Marquis Rwd,  
4 Dr., Green  
1971 Chrysler Newport Rwd,  
Green

### USED TRUCK INVENTORY

1989 Dodge D150 LE 360  
V-8, A/T, A/C, Brown  
1989 Mazda B2600 1 4x4,  
W/Canopy, 5 Spd.  
1982 Chevrolet S-10 4 Cyl.,  
4 Spd., Blue  
1981 GMC 1/2 Ton, 6 Cyl.,  
4 Spd., Red  
1978 Chevrolet Blazer 350  
V8, Auto., Brown/White  
1977 Dodge Van Yellow  
1976 Chevrolet Suburban  
Rust/White  
1975 Chevrolet 1/2 Ton,  
W/Canopy, Cream  
1974 Ford Courier Auto., Red  
1971 Ford V-8, 4 Spd., Aqua  
1970 Chevrolet C60 W/Hoist,  
Blue  
1958 Chevrolet Flathead  
W/Hoist, Blue

### HOURS

8 a.m. - 6 p.m. Weekdays  
10 a.m. - 3 p.m. Saturday

that Evergreen Store property carries "strict covenants" which state that improvements "must be harmonious" with the surrounding area. Sukovaty previously had sold the land to Walker.

Council members agreed that chain link fences would not be appropriate in Winthrop. And attorney Terry Karro advised them the matter could be addressed at a special meeting, after official ordinance language had been drafted.

Bennett also advised the council another "troublesome" westernization situation exists at Three Fingered Jacks. Signs repainted on the saloon's windows and upper front facade exceed the square footage allowed under the current ordinance. According to Bennett, the building now has 110 square feet of signs; the ordinance permits no more than 50 square feet.

The planning commission has recommended maximum sign allowance be increased to 100 square feet. Bennett told the council that if the amendments are approved, owner Corky Scharf could possibly scale down the saloon signs to come into compliance.

"I want the council to consider this before I write to Corky and tell him to take down his signs," said Bennett. "Right now, I can't tell him anything. I can't lean on him because I don't know which way to push."

The council will address amendments regarding signs, as well as several other proposed westernization ordinance changes, at its next regular meeting, Sept. 18.

to meet their animals' food requirements\*

Methow Valley News  
September 12, 1991

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## MEETING NOTICE

### Public workshops and hearing on Proposed Methow Rule - Restriction on water well construction in closed lakes and streams Emergency Rule Leads To Proposed Regulation

The Department of Ecology invites the public to attend public workshops and a public hearing this month on a proposed rule that would continue the ground water restrictions placed on the critical water supply areas earlier this year as a result of an emergency rule. The surface water and interconnected ground water of these critical water supply areas have been closed to appropriations since 1977. However, water wells that use 5,000 gallons of ground water per day or less are not required to obtain a water right permit, and are therefore difficult to manage.

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Detailed background informational materials on the proposed rule will be available beginning Tuesday, September 17, 1991 at the Winthrop Public Library and town halls of Twisp and Winthrop, and at Ecology's Central Regional Office in Yakima.

#### The Schedule

**Tuesday, Sept. 24** - Public workshop (open discussion), Methow Valley Community Center Auditorium, Twisp WA at 7 p.m.

**Wednesday, Sept. 25**

1. Public workshop (open discussion), The Barn, Winthrop, WA at 6 p.m.

2. Public hearing (no discussion, public comment only), The Barn, Winthrop, WA at 7 p.m.

Persons unable to attend may comment in writing by October 18, 1991. Please send written comments to: Roger von Gohren, Department of Ecology, MS: PV-11, Olympia, Wa. 98504. For more information contact Darlene Frye, Department of Ecology, 3801 W. Washington, Yakima, Wa. 98903-1164 (509) 575-2800.

a special school board meeting Sept. 9.

The plan initially presented by board vice chairman Fred Hanke called for a committee run by a facilitator from outside the school district.

"We want to come up with a plan that is fair and informative for everyone," Hanke said, noting the board's plan wasn't completely finished.

Board member Cathy Rawson took the plan even farther, proposing the committee be composed of three members of the parent group,

ty whether the school board is doing its job . . . The community elected a school board, not a committee, to do its business."

The parents' group also doesn't think a facilitator is necessary, said Joe Solseng, a member of the parents' group. Solseng is one of three candidates running for board member Allison Woodward's seat in the Sept. 17 primary.

Smith said she didn't want all the board members to be on the committee since its meetings then would be bound by the state's Open Meetings Act.

The Omak - Okanogan County Chronicle  
September 11, 1991

## MEETING NOTICE

Public Workshops and Hearing on Proposed Methow Rule-Restriction on Water Well Construction in Closed Lakes and Streams

### Emergency Rule Leads to Proposed Regulation

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Public Workshop (Open Discussion), The Barn, Winthrop, WA 6:00 p.m.

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Barnett Kalikow, chief civil prosecutor for the county. In that position, Kalikow advises county commissioners and boards how to conduct meetings.

The school board should not discuss coming up with a proposal to solve the alleged problems in closed session, Kalikow said.

School board members met in closed session for more than three hours Aug. 28 to come up with a plan to handle parent complaints.

Blank also called for an open school board meeting on the situation.

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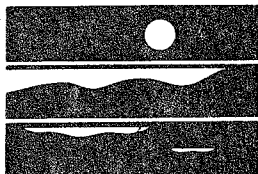
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Pateros Future Farmers of America swine barn took the prestigious black and white ribbon from

Dateline

The Omak - Okanogan County Chronicle  
September 18, 1991



WASHINGTON STATE  
DEPARTMENT OF  
E C O L O G Y

## MEETING NOTICE

Public Workshops and Hearing on Proposed Methow Rule-  
Restriction on Water Well Construction in Closed Lakes and  
Streams

### Emergency Rule Leads to Proposed Regulation

The Department of Ecology invites the public to attend public workshops and a public hearing this month on a proposed rule that would continue the ground water restrictions placed on the critical water supply areas earlier this year as a result of an emergency rule. The surface water and interconnected ground water of these critical water supply areas have been closed to appropriations since 1977. However, water wells that use 5,000 gallons of ground water per day or less are not required to obtain a water right permit, and are therefore difficult to manage.

Under the proposed rule, Ecology would manage this critical water supply areas by approving well construction in the closed areas only for persons who can show proof that legal water is available.

Detailed background informational materials on the proposed rule will be available beginning Tuesday, September 17, 1991 at the Winthrop Public Library and town halls of Twisp and Winthrop, and at Ecology's Central Regional Office in Yakima.

### The Schedule

#### **Tuesday, September 24**

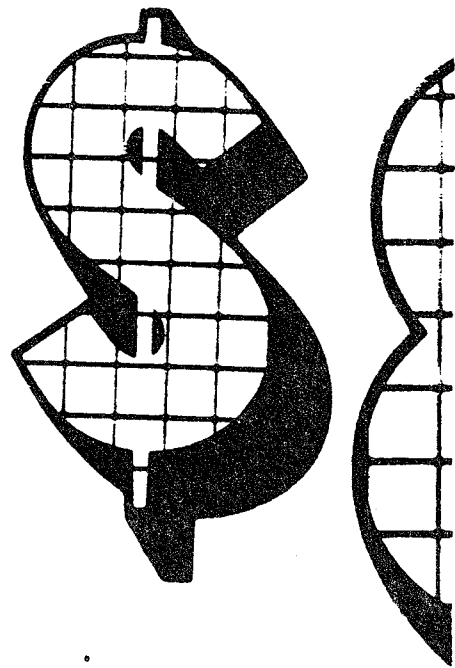
Public Workshop (Open Discussion), Methow Valley Community Center Auditorium, Twisp, WA 7:00 p.m.

#### **Wednesday, September 25**

Public Workshop (Open Discussion), The Barn, Winthrop, WA 6:00 p.m.

Public Hearing (No Discussion, Public Comment Only), The Barn, Winthrop, WA 7:00 p.m.

Persons unable to attend may comment in writing by October 18, 1991. Please send written comments to: Roger von Gohren, Department of Ecology, MS: PV-11, Olympia, Washington 98504. For more information contact Darlene Frye, Department of Ecology, 3801 W. Washington, Yakima, Washington 98903-1164 (509) 575-2800.



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# News Release

FOR IMMEDIATE RELEASE  
September 19, 1991  
91-265

Contact: Felecia Curtis,  
Environmental Education  
(206) 459-6109

## NEWS MEDIA ADVISORY

The Department of Ecology has scheduled public workshops and a public hearing in the Methow Valley on a proposed rule that would continue the ground water restrictions placed on the critical water supply areas earlier this year as a result of an emergency rule. The surface water and interconnected ground water of these critical water supply areas have been closed to appropriations since 1977. However, water wells that use 5,000 gallons of ground water per day or less are not required to obtain a water right. Development of exempt wells is therefore difficult to track.

Under the proposed rule, Ecology would manage these critical water supply areas by approving well construction in the closed areas only for persons who can show proof that water is legally available.

## Schedule

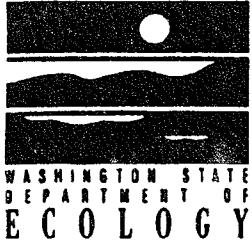
Tuesday, September 24                      7:00 p.m.  
Public Workshop (Open Discussion)  
Methow Valley Community Center Auditorium  
Twisp, WA

Wednesday, September 25                      6:00 p.m.  
Public Workshop (Open Discussion)  
The Barn  
Winthrop, WA

Wednesday, September 25                      7:00 p.m.  
Public Hearing (Public Comment)  
The Barn  
Winthrop, WA

-30-

Editor's Note: Background information on the proposed rule is attached.



# News Release

FOR IMMEDIATE RELEASE  
October 10, 1991  
91-284

CONTACT: Darlene Frye, Technical and  
Enforcement Unit Supervisor,  
Central Region (509) 457-2840

Felecia Curtis, Environmental  
Education, (206) 459-6109

## Ecology Extends Methow Emergency Rule. Moves Forward on Permanent Rule

The Department of Ecology extended an emergency rule last week which regulates well drilling in areas of the Methow Valley closed to surface water withdrawals in 1977. This marks the second extension of the emergency rule originally filed this February.

"This rule extension enables us to continue our efforts to provide immediate protection of existing water rights and instream resources in the closed area and, at the same time, gives the public the time needed to participate in developing permanent rules," said Ecology Assistant Director Terry Husseman.

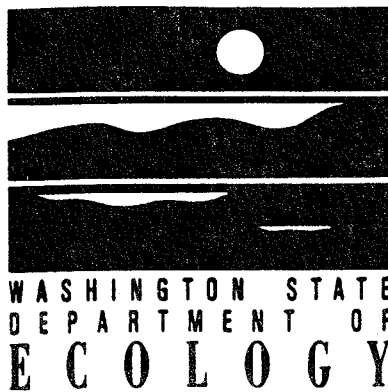
The emergency rule became effective October 1, 1991 and will continue 120 days.

While the emergency rule is in place, Ecology is working to make the emergency rule a permanent regulation.

Comments on the proposed regulation may be submitted through October 18, 1991 to Roger von Gohren, Department of Ecology, Mailstop PV-11, Olympia, WA 98504-8711 (206) 493-2840.

-30-





WASHINGTON STATE DEPARTMENT OF ECOLOGY

FOR IMMEDIATE RELEASE

CONTACT: Felecia Curtis,  
Environmental Education (206) 459-6109

COMMUNITY CALENDAR ANNOUNCEMENT

The Department of Ecology has scheduled the following meetings on a draft rule to continue restrictions on water wells in certain areas of the Methow Basin.

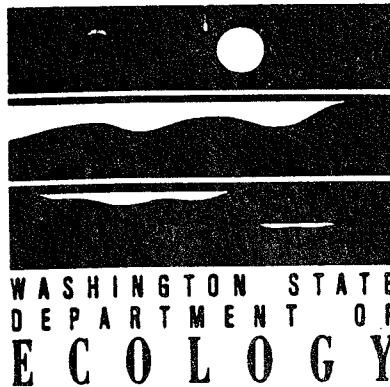
Twisp - September 24:

PUBLIC WORKSHOP  
Methow Valley Community Center Auditorium  
7:00 pm

Winthrop - September 25

PUBLIC WORKSHOP  
The Barn  
6:00 pm

PUBLIC HEARING  
The Barn  
7:00 pm



FOR IMMEDIATE RELEASE

CONTACT: Felecia Curtis,  
Environmental Education  
(206) 459-6109

**PUBLIC SERVICE ANNOUNCEMENT**  
(30 SECONDS)

A COPY OF THE DEPARTMENT OF ECOLOGY'S DRAFT RULE THAT CONTINUES THE CURRENT RESTRICTION ON WATER WELLS IN SOME AREAS OF THE METHOW BASIN IS NOW AVAILABLE IN THE VALLEY. GO BY THE WINTHROP PUBLIC LIBRARY OR CITY HALL IN WINTHROP OR TWISP TO REVIEW THE DRAFT RULE AND MATERIALS THAT EXPLAIN THE RESTRICTIONS. PUBLIC WORKSHOPS AND A PUBLIC HEARING WILL BE HELD THIS TUESDAY AND WEDNESDAY. FOR MORE INFORMATION CALL THE DEPARTMENT OF ECOLOGY AT (509) 575-2800.

**EDITOR'S NOTE:** PLEASE PULL AFTER SEPTEMBER 25, 1991.